

# FEDERAL REGISTER

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## The President

### EXECUTIVE ORDER

AMENDING EXECUTIVE ORDER NO. 8716 TO PROVIDE FOR THE APPOINTMENT OF ALTERNATE MEMBERS OF THE NATIONAL DEFENSE MEDIATION BOARD

By virtue of the authority vested in me by the Constitution and the statutes and in order further to assure that all work necessary for national defense shall proceed without interruption and with all possible speed, it is hereby ordered as follows:

Executive Order No. 8716<sup>1</sup> of March 19, 1941, entitled "Establishment of National Defense Mediation Board," is hereby amended so as to provide for the appointment of alternate members of the National Defense Mediation Board, each of which alternate members shall be designated as alternate for a regular member of the Board named in connection with his appointment. Any alternate member shall be authorized to serve, when the regular member for whom he is designated as alternate shall for any reason be unavailable for such service, upon any division of the Board designated by the Chairman of the Board under the provisions of Section 3 of said Executive Order No. 8716, and to perform in connection with such service the duties and functions of a member of the Board with respect to any matter before such division. An alternate member shall receive compensation and expenses during any period of such service in like manner as regular members of the Board.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE

April 4, 1941.

[No. 8731]

[F. R. Doc. 41-2505; Filed, April 5, 1941; 12:00 m.]

<sup>1</sup> 6 F.R. 1532.

## Rules, Regulations, Orders

### TITLE 6—AGRICULTURAL CREDIT CHAPTER I—FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 314]

#### PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

FUNCTIONS, POWERS, AUTHORITY, AND DUTIES OF THE CHIEF, ADMINISTRATIVE DIVISION, AND CHIEF, INSTRUCTIONS SECTION

APRIL 7, 1941.

Section 3.70 of Title 6, Code of Federal Regulations, as amended (FCA Order 257, March 11, 1939; 4 F.R. 1229), is further amended to read as follows:

§ 3.70 *Functions, powers, authority, and duties of Chief, Administrative Division.* The Chief, Administrative Division, is authorized and empowered:

(a) To supervise and direct the Administrative Division.

(b) To consult and advise with the Governor, Deputy Governors, and division heads, on matters pertaining to the organization of new activities, the reorganization of existing activities and offices, and general administrative policies.

(c) To execute and perform, subject to the jurisdiction and control of the Governor of the Farm Credit Administration, all functions, powers, authority, and duties pertaining to the administration of the provisions of the Federal Credit Union Act, as amended (including, but not by way of limitation, the approval and issuance of charters, and the suspension, cancellation, and revocation of charters).

(d) To sign letters of authorization for travel and all payrolls.

(e) To execute all Government leases for space required by any of the district units or field offices of the Farm Credit Administration. (Sec. 16, 48 Stat. 1221; 12 U.S.C. 1766; E.O. 6084, Mar. 27, 1933;

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6 CFR 1.1 (m); Memorandum No. 846, Sec. of Agric., Jan. 6, 1940.)

Section 3.71 of Title 6, Code of Federal Regulations, as amended (FCA Order 257, March 11, 1939; 4 F.R. 1230), is further amended to read as follows:

§ 3.71 *Functions, powers, authority, and duties of Chief, Instructions Section.* The Chief, Instructions Section, is authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of the Chief, Administrative Division, in the event the Chief, Administrative Division, is unavailable to act by reason of absence from the Washington office of the Farm Credit Administration or for any other cause. (Sec. 16, 48 Stat. 1221; 12 U.S.C. 1766; E.O. 6084, Mar. 27, 1933; 6 CFR 1.1 (m); Memorandum No. 846, Sec. of Agric., Jan. 6, 1940.)

A. G. BLACK,  
Governor.

[F. R. Doc. 41-2529; Filed, April 7, 1941; 11:40 a. m.]

### TITLE 7—AGRICULTURE

#### CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

##### PART 729—NATIONAL MARKETING QUOTA FOR PEANUTS

Whereas the Agricultural Adjustment Act of 1938, as amended, provides:

Sec. 358 (a) Between July 1 and December 1 of each calendar year the Secretary [of Agriculture] shall proclaim the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year in terms of the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the five years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions, and the quota so proclaimed shall be in effect with respect to such crop. The national marketing quota for peanuts for any year shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the five years preceding the year in which the quota is proclaimed, with such adjustments as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields in such five years: *Provided*, That the national marketing quota established for the crop produced in the calendar year 1941 shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than one million six hundred and ten thousand acres, and that the national marketing quota established for any subsequent year shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 95 per centum of that established for the crop produced in the calendar year 1941.

Whereas said Act contains the following definitions of terms here pertinent:

Sec. 301. (c) "Market", in the case of peanuts, means to dispose of peanuts, including farmers' stock peanuts, shelled peanuts, cleaned peanuts, or peanuts in processed form, by voluntary or involuntary sale, barter, or exchange, or by gift *inter vivos*.

Sec. 359. (d) The word "peanuts" \* \* \* means peanuts which are picked and threshed by mechanical means, whether such peanuts are picked and threshed before or after marketing by the producer.

Now, Therefore, be it known that I, Claude R. Wickard, Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in me by section 358 of the Agricultural Adjustment Act of 1938, as amended, proclaim that:

§ 729.1 *Proclamation and determination with respect to the national marketing quota, normal yield per acre, and national acreage allotment for peanuts for the crop produced in the calendar year 1941—(a) National marketing quota.* The amount of the national marketing quota for peanuts for the crop produced in the calendar year 1941 is 1,255,800,000 pounds.

(b) *Normal yield per acre.* The normal yield per acre of peanuts for the United States for the crop produced in the calendar year 1941 is 780 pounds.

(c) *National acreage allotment.* The national acreage allotment for peanuts



for the crop produced in the calendar year 1941 is one million six hundred and ten thousand acres. (52 Stat. 46; 7 U. S. C. Sup. IV, 1312, as amended)

Done at Washington, D. C., this 5th day of April 1941. Witness my hand and seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 41-2526; Filed, April 7, 1941;  
11:27 a. m.]

## TITLE 10—ARMY: WAR DEPARTMENT

### CHAPTER V—MILITARY RESERVATIONS AND NATIONAL CEMETERIES

#### PART 54—POST EXCHANGES<sup>1</sup>

§ 54.13 *Services for Government, prohibited.* The practice of obtaining occasional services for the Government from post exchanges, post laundries, and other quasi public agencies that are established and maintained at military posts by the authority of the War Department, is authorized only in cases in which services of the same class cannot be as conveniently or reasonably obtained elsewhere and where a direct advantage will accrue to the Government from the method resorted to. In no case will a post exchange, post laundry, or a concessionaire bidding as such be permitted to enter into public competition or to submit bids in response to advertisements calling for proposals for furnishing supplies or services. (R. S. 161; 5 U.S.C. 22) [Par. 49, AR 210-65, June 29, 1929, as amended by Cir. 48, W. D., March 24, 1941]

[SEAL] E. S. ADAMS,  
Major General.  
The Adjutant General.

[F. R. Doc. 41-2498; Filed, April 5, 1941;  
9:58 a. m.]

## TITLE 14—CIVIL AVIATION

### CHAPTER I—CIVIL AERONAUTICS AUTHORITY

[Amendment No. 105 of the Civil Air Regulations]

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 4th day of April 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 (a), and 605 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

<sup>1</sup> § 54.13 is added.

Effective June 1, 1941, the Civil Air Regulations are amended by:

1. Amending Part 18 to read as follows:

#### PART 18—MAINTENANCE, REPAIR AND ALTERATION OF CERTIFICATED AIRCRAFT AND OF AIRCRAFT ENGINES, PROPELLERS AND INSTRUMENTS<sup>1</sup>

Sec.

- 18.1 General.
- 18.2 Routine maintenance.
- 18.3 Repairs.
- 18.4 Alterations.
- 18.5 Rules and procedures for maintenance, repairs and alterations.
- 18.6 Design, techniques, and materials.

##### § 18.1 General.

§ 18.10 *Definitions.* As used in this Part: (1) "Aircraft engine" means an aircraft engine approved by the Administrator.

(2) "Propeller" means a propeller approved by the Administrator.

(3) "Instrument" means an instrument installed, for other than purely experimental purposes, in a certificated aircraft.

(4) "Manufacturer" means (1) the holder of the type certificate, or approval by the Administrator, for an aircraft, aircraft engine, or propeller, or of the current rights, under a licensing arrangement, to the benefits of such type certificate or approval, or (2) the manufacturer of a part or accessory of a certificated aircraft, or (3) the manufacturer of an instrument which is installed in a certificated aircraft: *Provided*, That such manufacturer shall have in his employ a properly certificated mechanic in direct charge of maintenance, repair or alteration operations.

§ 18.2 *Routine maintenance.* Routine maintenance is defined as simple or minor preservation operations including but not limited to the adjustment of rigging and clearance, and the replacement of small standard parts not involving complex assembly operations.

§ 18.3 *Repairs.* A repair is any operation other than routine maintenance which is required to restore an aircraft, aircraft engine, propeller, or instrument to a condition for safe operation, including the mending or replacement of damaged or deteriorated parts.

§ 18.30 *Minor repairs.* Minor repairs are elementary repair operations executed in accordance with standard practices and not within the definition of major repairs.

<sup>1</sup> Civil Aeronautics Manual 18, which may be secured from the Correspondence Section, Civil Aeronautics Administration, Washington, D. C., describes in detail the operations which the Administrator of Civil Aeronautics considers to be routine maintenance, minor and major repairs, and minor and major alterations. It sets forth in detail repair methods, techniques and practices which the Administrator has found acceptable in the execution of repairs in accordance with these regulations. It also describes forms, scope of technical data, and records prescribed by the Administrator in accordance with this Part.

§ 18.31 *Major repairs.* Major repairs are complex repair operations of vital importance to the airworthiness of an aircraft including but not limited to:

(a) Straightening, splicing, welding and similar operations when the strength of important structural members might be appreciably affected thereby.

(b) Operations requiring complicated or unconventional techniques or equipment.

§ 18.4 *Alterations.* An alteration is any appreciable change in the design of an aircraft, aircraft engine, propeller, or instrument.

§ 18.40 *Minor alterations.* A minor alteration is:

(a) An alteration having no appreciable effect on the weight, balance, structural strength, powerplant operation, flight characteristics or other characteristics affecting the airworthiness of an aircraft; or

(b) An alteration for which specific plans and instructions have been approved by the Administrator and which can be executed by means of elementary operations.

§ 18.41 *Major alterations.* Major alterations are all alterations not within the definition of minor alterations.

§ 18.5 *Rules and procedures for maintenance, repairs and alterations.*

§ 18.50 *Agencies authorized to perform maintenance, repair and alteration operations.* Maintenance, repair and alteration operations shall be performed only by: (1) A certificated mechanic having the proper rating or a person working under the direct supervision of such mechanic; or (2) a certificated repair station having the proper rating; or (3) the manufacturer of the aircraft or part of the aircraft to be repaired. *Provided*, That all instrument repairs and alteration and propeller major repairs and major alterations shall be performed only by a certificated repair station having the proper rating or by the instrument or propeller manufacturer.

§ 18.51 *Provision for approval of major repairs and major alterations.* No aircraft, aircraft engine, or propeller which has undergone any major repair or major alteration shall be returned to service until examined, inspected and approved by a duly authorized representative for the Administrator unless such repair or alteration has been executed in accordance with a manual or specification approved by the Administrator,<sup>2</sup> and performed by a certificated repair station of the proper rating or by the manufacturer.

§ 18.52 *Flight tests.* When an aircraft or aircraft engine or propeller thereof has undergone a maintenance, minor repair or minor alteration operation which may have changed its flight

<sup>2</sup> Such manual or specification may, for example, be issued by the manufacturer, a certificated repair station, or by the Administrator. All such manuals or specifications issued by parties other than the Administrator must be approved by him.



characteristics appreciably or substantially affected its operation in flight, or has undergone a major repair or major alteration, such aircraft shall, prior to carrying passengers, be test flown by a pilot having at least 200 solo hours and holding at least a private pilot certificate and appropriate rating for the aircraft to be test flown.

**§ 18.53 Recording of repairs and alterations.**

**§ 18.530 Minor repair and minor alteration log-book entries.** An adequate description of every minor repair or minor alteration of an aircraft, aircraft engine or propeller shall be entered in the appropriate log-book over the signature and certificate number of the mechanic directly in charge of or performing such repair or alteration and in case a manufacturer or a certificate repair station makes said repair or alteration the appropriate log-book shall also be signed by an authorized official of such agency. The installation of an instrument in an aircraft shall be recorded in the aircraft log-book by the agency making the installation.

**§ 18.531 Major repair and major alteration records.** A repair agency performing a major repair or major alteration on an aircraft, aircraft engine, or propeller, shall execute such Repair and Alteration Forms as may be prescribed and furnished by the Administrator, and shall deliver a duplicate copy of any such Form to the owner of the aircraft and make proper entries on the appropriate page of the Aircraft Operation Record.

**§ 18.532 Provision for air carrier records.** Log-book and Aircraft Operation record entries required in this Part may be replaced, in the case of repairs or alterations to scheduled air carrier aircraft, by a suitable system of recording repairs, alterations and signatures of responsible personnel.

**§ 18.6 Design, techniques, and materials.** Repairs shall be so executed, and materials of such strength and quality shall be used that the condition of the repaired aircraft, aircraft engine, propeller, or instrument shall be at least equivalent to its original or a properly altered condition in regard to aerodynamic and mechanical function, structural strength, and resistance to vibration and deterioration, and all other qualities affecting airworthiness. Alterations shall be so designed and executed that the altered aircraft, aircraft engine, propeller, or instrument will comply with the airworthiness requirements in effect when the particular model of the aircraft or part of the aircraft was originally certificated and, in addition, with particular provisions of the current airworthiness requirements rendered necessary for safe operation by the alteration.

**PART 01—AIRCRAFT CERTIFICATES**

2. By amending § 01.32 to read as follows:

§ 01.32 (Unassigned)

3. By striking the last sentence in § 01.341.

4. By amending § 01.35 to read as follows:

**§ 01.35 Log-books.** The registered owner of a certificated aircraft shall be responsible for the maintenance and, upon request, the presentation to a duly authorized representative of the Administrator or Board, of a log-book for the aircraft and a log-book for each engine installed therein. Such log-books shall be current, accurate, legible, and permanent records. The aircraft log-book shall contain an operating history of the aircraft which shall include, but shall not be limited to, flight time of the aircraft, reports of periodic or other inspections, minor repairs, and minor alterations of the aircraft structure and propellers. Each engine log-book shall contain an operating history of the aircraft engine to which it pertains, which shall include, but shall not be limited to, the running time of the engine in flight, reports of inspections, minor repairs, and minor alterations of the aircraft engine. Log-book entries may be replaced in the case of scheduled air carrier aircraft, aircraft engines, and propellers, by a suitable system of recording the information required in this section.

By the Civil Aeronautics Board.

[SEAL]

THOMAS G. EARLY,  
Secretary.

[F. R. Doc. 41-2511; Filed, April 7, 1941;  
10:06 a. m.]

**TITLE 17—COMMODITY AND SECURITIES EXCHANGES**

**CHAPTER I—COMMODITY EXCHANGE ADMINISTRATION**

**ORDER AMENDING THE DESIGNATIONS OF ARTICLES I TO XI, AND SECTIONS 1 TO 1123 OF THE RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE UNDER THE COMMODITY EXCHANGE ACT, AS AMENDED**

By virtue of the authority vested in the Secretary of Agriculture by the Commodity Exchange Act, as amended (7 U.S.C. and Sup., secs. 1-17a), and as further amended by the act of Congress, approved October 9, 1940 (Public Law No. 818, 76th Cong.), I, Claude R. Wickard, Secretary of Agriculture, do hereby amend the designations of articles I to XI, inclusive, and sections 1 to 1123, inclusive, of the Rules and Regulations of the Secretary of Agriculture under the Commodity Exchange Act, as amended, to conform to the designations of Parts 1 to 11, inclusive, and sections 1.1 to 11.23, inclusive, of chapter I, title 17, Code of Federal Regulations, as follows:

Articles I to XI, inclusive, shall hereafter be designated as Parts 1 to 11, inclusive.

The number of each section of article I is amended by inserting "1." before each such section number. Sections 1

to 45, inclusive, of article I thus become §§ 1.1 to 1.45, inclusive, of Part 1.

The number of each section of articles II to IX, inclusive, is amended by inserting a decimal point after the first numeral of each such section number. Sections 200 to 923, inclusive, of articles II to IX, inclusive, thus become §§ 2.00 to 9.23, inclusive, of Parts 2 to 9, inclusive.

The number of each section of articles X and XI is amended by inserting a decimal point after the first two numerals of each such section number. Sections 1000 to 1123, inclusive, of articles X and XI thus become §§ 10.00 to 11.23, inclusive, of Parts 10 and 11.

Done at Washington, D. C., this 7th day of April 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 41-2525; Filed, April 7, 1941;  
11:26 a. m.]

**PART 2—SPECIAL PROVISIONS APPLICABLE TO GRAINS AND FLAXSEED**

**ORDER AMENDING THE TITLE OF PART 2, CHAPTER I, TITLE 17, CODE OF FEDERAL REGULATIONS**

By virtue of the authority vested in the Secretary of Agriculture by the Commodity Exchange Act, as amended (7 U.S.C. and Sup., secs. 1-17a), and as further amended by the act of Congress, approved October 9, 1940 (Public Law No. 818, 76th Cong.), I, Paul H. Appleby, Acting Secretary of Agriculture, do hereby amend the title of Part 2, Chapter I, Title 17, Code of Federal Regulations [article II, Rules and Regulations of the Secretary of Agriculture under the Commodity Exchange Act, as Amended] to read as follows:

Part 2.—Special Provisions Applicable to Grains Flaxseed, and Soybeans.

Done at Washington, D. C., this 5th day of April 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

PAUL H. APPLEBY,  
Acting Secretary of Agriculture.

[F. R. Doc. 41-2524; Filed, April 7, 1941;  
11:26 a. m.]

**TITLE 19—CUSTOMS DUTIES**

**CHAPTER I—BUREAU OF CUSTOMS**  
[T. D. 50360]

**PART 9—PACKING, STAMPING AND MARKING; TRADE MARKS; COPYRIGHTS; DISTILLED SPIRITS, WINE, ETC.**

Section 9.8 [Article 528 of the Customs Regulations of 1937], as amended by T. Ds. 49658,<sup>1</sup> 49707,<sup>2</sup> and 49842,<sup>3</sup> is hereby further amended as follows:

<sup>1</sup> 3 F.R. 1808.

<sup>2</sup> 3 F.R. 2307.

<sup>3</sup> 4 F.R. 619.



§ 9.8 (a) [paragraph (b)] is amended by inserting after the second sentence the following:

§ 9.8 *Marking of articles and packages to indicate country of origin.*

(a) \* \* \* The name of any such colony, possession, or protectorate shall be considered acceptable marking, except in instances where the Bureau shall find that a name is not sufficiently well known to insure that ultimate purchasers will be fully informed of the country of origin, or where the name appearing alone may cause confusion, deception or mistake. In such cases the Bureau will specify in decisions, which will be published in the weekly Treasury Decisions, the additional marking to be used in conjunction with the name of the colony, possession or protectorate. (Sec. 304, 46 Stat. 687, sec. 3, 52 Stat. 1077; 19 U.S.C., Sup. V, 1304)

Section 9.8 (f) [paragraph (h)] is amended to read as follows:

§ 9.8 *Marking of articles and packages to indicate country of origin.*

(f) When an imported article is of a kind which is usually combined with another article subsequent to importation but before delivery to an ultimate purchaser, and the name indicating the country of origin of the article appears in a place on the article so that the name will be visible after such combining, the marking shall include, in addition to the name of the country of origin, words or symbols which will clearly show that the origin indicated is that of the imported article only and not that of any other article with which the imported article may be combined subsequent to importation. For example, bottles, drums, or other containers imported empty to be filled in the United States shall be marked with such words as "Bottle (or drum, or container) made in (name of country)." Labels and similar articles which are so marked that the name of the country of origin of the article will be visible after it is affixed to another article in this country shall be marked with additional descriptive words such as "Label made (or printed) in (name of country)" or words of similar import. This regulation shall not apply to articles of a kind which are ordinarily so substantially changed in this country that the articles themselves become products of the United States. (Sec. 304, 46 Stat. 687, sec. 3, 52 Stat. 1077; 19 U.S.C., Sup. V, 1304).

So far as a change of practice is involved in requiring the marking outlined above, this decision will be applied only to merchandise entered for consumption or withdrawn from warehouse for consumption after a period of 60 days has elapsed following the date of the publi-

cation of this decision in the weekly Treasury Decisions.

[SEAL]

W. R. JOHNSON,  
*Commissioner of Customs.*

Approved:

HERBERT E. GASTON,  
*Acting Secretary of the Treasury.*

[F. R. Doc. 41-2501; Filed, April 5, 1941;  
10:54 a. m.]

## CHAPTER II—UNITED STATES TARIFF COMMISSION

### PART 201—RULES OF GENERAL APPLICATION AMENDMENT TO RULES CONCERNING PRINCIPAL OFFICE

The Tariff Commission announces a revision of the Rules of Practice and Procedure indicated below which will be effective at once.

The first sentence under § 201.2 is amended to read as follows:

§ 201.2 *Principal office.* The principal office of the Commission, at Washington, D. C., is open each business day from 9:15 a. m. to 4:45 p. m., except on Saturday, when the office hours are 9:15 a. m. to 1:15 p. m. \* \* \* (Secs. 330-341, 46 Stat. 696 ff; 19 U.S.C. 1330-1341)

There is no change in the other sentences in this rule.

[SEAL]

E. M. WHITCOMB,  
*Acting Secretary.*

[F. R. Doc. 41-2516; Filed, April 7, 1941;  
10:56 a. m.]

## TITLE 25—INDIANS

### CHAPTER I—OFFICE OF INDIAN AFFAIRS

#### PART 72—GRAZING, NAVAJO AND HOPI RESERVATIONS<sup>1</sup>

Chapter I, Subchapter I, General Grazing Regulations, Part 72, Grazing, Navajo and Hopi Reservations is amended by adding a new section thereto; § 72.8a.

§ 72.8a *Livestock reduction rate modified.* The rate of livestock reduction provided in § 72.8 may be modified by the Commissioner of Indian Affairs under the following special circumstances. When unusual economic and range conditions or other special circumstances justify a temporary slowing down in the process of livestock reduction on the Navajo or Hopi Reservations, application for such action may be made to the Commissioner by the authorized officers of the Navajo Tribal Council, or of the Hopi Tribal Council, as the case may be. Thereupon the Commissioner, if he shall find that a temporary slowing down in

<sup>1</sup> § 72.8a is added.

the process of livestock reduction will be to the best interest of the Navajo Tribe or of the Hopi Tribe as a whole and of the conservation program, may fix a temporary special limit below which no individual shall be required to reduce his livestock during a prescribed period.

When such a limit has been fixed, the Superintendent shall issue a special temporary permit to each person making application therefor who meets the following conditions:

1. The applicant must be in possession of a regular livestock-grazing permit.
2. The applicant must have had in his possession continuously since the fall of 1937, the amount of livestock for which he seeks a special temporary permit.
3. The applicant must give evidence of good faith by disposing of all livestock above the special limit fixed by the said Commissioner on or before the dates fixed by the Superintendent and by having conformed to the requirements of the regulations under this part for the reduction of nonproductive livestock, including branding, roundup and all other provisions thereof.

Wherever the foregoing conditions have been satisfied, the Superintendent shall issue to the applicant a special temporary permit authorizing the retention, for the period specified by the Commissioner, of livestock in excess of the regular maximum limit: *Provided*, That the total of livestock held by any person under regular permit and under special temporary permit shall not exceed the special temporary limit fixed by the Commissioner. (R. S. 161, 465, 2127, sec. 6, 48 Stat. 986; 5 U.S.C. 22, 25 U.S.C. 9, 192, 466)

OSCAR L. CHAPMAN,  
*Assistant Secretary.*

MARCH 21, 1941.

[F. R. Doc. 41-2499; Filed, April 5, 1941;  
9:59 a. m.]

## TITLE 32—NATIONAL DEFENSE CHAPTER VII—SELECTIVE SERVICE SYSTEM

[Amendment No. 25]

AMENDING THE REGULATIONS SO AS TO PROVIDE FOR REGISTRATION FOR PERSONS SUBJECT TO REGISTRATION WHO FAILED TO REGISTER AT THE PROPER TIME

By virtue of the provisions of the Selective Training and Service Act of 1940, approved September 16, 1940, and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective ten (10) days from the date of publication thereof in the FEDERAL REGISTER, Volume Two Section XIV, Paragraph 240<sup>1</sup> of the Selective Service Regulations

<sup>1</sup> 5 F.R. 3790.



by striking out the present Paragraph 240 and inserting in lieu thereof the following:

240. *Late registration: by local boards.* Every person subject to registration who for any reason failed to register on the day fixed by the President for his registration must present himself for and submit to registration before a local board. The local board shall register him and if he has a valid reason for having failed to register shall issue him a registration certificate. The subsequent procedure in such a case, including procedure if the man lacks a valid reason for his tardy appearance, is given in Volume Three, "Classification and Selection."

March 31, 1941.

C. A. DYKSTRA,  
Director.

[F. R. Doc. 41-2503; Filed, April 5, 1941;  
11:45 a. m.]

[Amendment No. 26]

#### AMENDING THE REGULATIONS SO AS TO EXTEND THE TIME FOR REPORTING FROM FIVE TO TEN DAYS AND PROVIDING FOR POSTPONEMENT

By virtue of the provisions of the Selective Training and Service Act of 1940, approved September 16, 1940, and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective ten (10) days from the publication thereof in the FEDERAL REGISTER, Volume Four, Section XXXV, of the Selective Service Regulations, by striking out the present subparagraph b of Paragraph 418<sup>1</sup> and substituting therefor the following:

b. The time specified for reporting shall be at least ten days after the date the order is mailed; provided, in any case where unusual individual hardship will otherwise result, the local board may, whether or not the Order to Report for Induction has been mailed, postpone the time when such registrant shall so report for a period of not to exceed sixty days from the date of such postponement, subject, however, to further postponement upon good cause therefor being shown.

March 31, 1941.

C. A. DYKSTRA,  
Director.

[F. R. Doc. 41-2504; Filed, April 5, 1941;  
11:45 a. m.]

#### CHAPTER VIII—ADMINISTRATOR OF EXPORT CONTROL

##### EXPORT CONTROL SCHEDULE A

By virtue of the Military Order of July 2, 1940,<sup>2</sup> and Executive Order No. 8713<sup>3</sup>

<sup>1</sup> 5 F. R. 4211.

<sup>2</sup> 5 F. R. 2491.

<sup>3</sup> 6 F. R. 1502.

of March 15, 1941, I, Russell L. Maxwell, Administrator of Export Control, have determined that effective April 15, 1941, the articles and materials designated in Proclamation No. 2465<sup>4</sup> of March 4, 1941, issued pursuant to section 6 of the act of July 2, 1940 (54 Stat. 714, 50 U.S.C.A. Supp. § 99) shall include the forms hereinafter designated:

Any model, design, photograph, photographic negative, document or other article or material, containing a plan, specification, or descriptive or technical information of any kind (other than that appearing generally in a form available to the public) which can be used or adapted for use in connection with any process, synthesis or operation in the production, manufacture or reconstruction of any of the articles or materials<sup>5</sup> the exportation of which is prohibited or curtailed in accordance with the provisions of section 6 of the act of Congress approved July 2, 1940, or of any basic or intermediary constituent of any such articles or materials.

By direction of the President:

RUSSELL L. MAXWELL,  
Brigadier General, U. S. Army,  
Administrator of Export Control.

WASHINGTON, D. C.,

April 1, 1941.

[F. R. Doc. 41-2493; Filed, April 4, 1941;  
2:25 p. m.]

##### EXPORT CONTROL SCHEDULE No. 2

NOTE. The numbers appearing in the columns designated B and F in the following schedule refer to the numbers in Schedule B, "Statistical Classification of Domestic Commodities Exported from the United States," and Schedule F, "Foreign Exports (Re-Exports, i. e., merchandise exported from the United States in the same condition as imported)," respectively, both effective January 1, 1941, issued by the United States Department of Commerce. The words are controlling and the numbers are included solely for the purpose of statistical classification. An asterisk (\*) indicates that the classification herein is not coextensive with that in said Schedules B and F.

By virtue of the Military Order of July 2, 1940,<sup>6</sup> and the Executive Order of March 15, 1941,<sup>7</sup> I, Russell L. Maxwell, Administrator of Export Control, have determined that:

1. Effective April 15, 1941, the articles and materials designated in Proclamation No. 2468<sup>8</sup> of March 27, 1941, issued pursuant to section 6 of the act of July 2, 1940,

<sup>4</sup> 6 F. R. 1300.

<sup>5</sup> The articles and materials referred to are those contained in the proclamations (other than Proclamation No. 2465<sup>9</sup>) issued pursuant to the said section 6. The forms, conversions and derivatives of these articles and materials, by virtue of Executive Order No. 8712 (6 F. R. 1501) have been listed in Export Control Schedule No. 1 and supplements thereto.

<sup>6</sup> 5 F. R. 2491.

<sup>7</sup> 6 F. R. 1501.

<sup>8</sup> 6 F. R. 1703.

shall include the forms, conversions and derivatives hereinafter designated:

##### ANIMAL PRODUCTS

Unit of quantity	Commodity description	Commodity numbers	
		B	F
	Animal, fish, and marine mammal oils, fats and greases, edible and inedible:		
Lb.....	Oleo oil.....	0050	0059*
Lb.....	Oleo stock.....	0051	0059*
Lb.....	Tallow, edible.....	0052	0059*
Lb.....	Lard.....	0053	0059*
Lb.....	Oldo stearin, edible.....	0056	0059*
Lb.....	Oleomargarine of animal or vegetable fats.....	0059	0059*
Lb.....	Butter.....	0055	0065*
Lb.....	Neat's foot oil.....	0803	0858*
Lb.....	Whale oil.....	0809*	0858*
Lb.....	Sperm oil.....	0809*	0858*
Lb.....	Lard oil.....	0800*	0858*
Lb.....	Fish oils and fish liver oils and concentrates thereof in bulk.....	0819	0819
Lb.....	Grease stearin.....	0843	0858*
Lb.....	Oleic acid, or red oil.....	0847	0858*
Lb.....	Stearic acid.....	0849	0858*
Lb.....	Tallow, inedible.....	0857	0858*
Lb.....	Wool grease.....	0858*	0858*
Lb.....	Hog grease.....	0858*	0858*
Lb.....	Bristles: Pig bristles.....	0999*	0917*

##### VEGETABLE PRODUCTS

	Vegetable oils and fats, edible and inedible:		
Lb.....	Cottonseed oil, refined.....	1425	1449*
Lb.....	Soybean oil, refined.....	1430	1449*
Lb.....	Peanut oil, refined.....	1431	1431
Lb.....	Corn oil, refined.....	1441	1449*
Lb.....	Cocoa butter.....	1442	1449*
Lb.....	Cooking fats other than lard.....	1447	1449*
Lb.....	Vegetable stearin.....	1449*	1449*
Lb.....	Rapeseed oil, refined.....	1449*	1449*
Lb.....	Palm oil, refined.....	1449*	1449*
Lb.....	Olive oil, edible.....	1449*	1424
Lb.....	Olive oil, inedible.....	2249*	2262*
Lb.....	Olive oil sulphured or foots.....	2249*	2262*
Lb.....	Soybean oil, crude.....	2249*	2262*
Lb.....	Castor oil, commercial.....	2249*	2262*
Lb.....	Cottonseed oil, crude.....	2231	2262*
Lb.....	Linseed oil.....	2232	2262*
Lb.....	Vegetable soap stock.....	2248*	2262*
Lb.....	Fatty acids of vegetable origin.....	2248*	2262*
Lb.....	Vegetable oil foots.....	2248*	2262*
Lb.....	Peanut oil, crude.....	2249*	2262*
Lb.....	Corn oil, crude.....	2249*	2262*
Lb.....	Rapeseed oil, inedible.....	2249*	2262*
Lb.....	Oilcica oil.....	2249*	2262*
Lb.....	Tung oil.....	2249*	2241
Lb.....	Palm oil, crude.....	2249*	2243
Lb.....	Vegetable tallow and wax.....	2249*	2252
Lb.....	Perilla oil.....	2249*	2256
Lb.....	Coconut oil, edible (previously restricted in Proclamation of March 4, 1941).....	1420	1449*
Lb.....	Coconut oil, inedible (previously restricted in Proclamation of March 4, 1941).....	2230	2230
	Oils obtainable from all varieties of palm kernels, in addition to "palm kernel oil" previously restricted in Proclamation of March 4, 1941:		
Lb.....	Refined.....	1449*	1449*
Lb.....	Crude.....	2249*	2262*
	Vegetable oil seeds, and vegetable and other oil bearing raw materials:		
Lb.....	Soy beans.....	2210	2220*
Lb.....	Peanuts.....	1375	1379*
Lb.....	Castor beans.....	2220*	2220*
Lb.....	Cottonseed.....	2220*	2220*
Lb.....	Flaxseed.....	2220*	2220*
Lb.....	Hempseed.....	2220*	2220*
Lb.....	Perilla seed.....	2220*	2220*
Lb.....	Poppy seed.....	2220*	2220*
Lb.....	Rapeseed.....	2220*	2220*
Lb.....	Sunflower seed.....	2220*	2220*
Lb.....	Copra (previously restricted in Proclamation of March 4, 1941).....	2220*	2211



## VEGETABLE PRODUCTS—Continued

Unit of quantity	Commodity description	Commodity numbers	
		B	F
Lb.....	Vegetable oil seeds, and vegetable and other oil bearing raw materials—Continued.		
Lb.....	All varieties of palm nuts and kernels in addition to palm kernels previously restricted in Proclamation of March 4, 1941.	2220*	2220*
Lb.....	Drugs, herbs, leaves, and roots, crude: Nux Vomica.	2209*	2209*

## TEXTILE FIBERS AND MANUFACTURES

Lb.....	Nylon: Nylon filament, including waste and staple fiber.	3850*	3840*
Lb.....	Nylon yarn, single and plied.	3840*	3840*
Lb.....	Kapok: Fiber.		3403
Lb.....	Semi-manufactures: Matted fiber.	3490*	3499*
Units.....	Manufactures: Mattresses and upholstery pads and cushions.	3490*	3499*
Lb.....	Live saving appliances.	3499*	3499*
Lb.....	Other Kapok manufactures.	3499*	3499*

## WOOD AND PAPER

Lb.....	Paper base stocks: Purified wood pulp containing 80% or more alpha-cellulose.	4601*	4610*
Lb.....	Cork: Corkwood, bark, shavings, waste, and refuse.	4309*	4309*
Lb.....	Cork manufactures: Disks, washers, and washers.	4302	4309*
Lb.....	Cork stoppers (except stoppers in containers).	4305	4309*
Lb.....	Corkboard and pipe covering.	4306	4309*
Lb.....	Manufactures of artificial composition and compressed cork:		
Lb.....	Paper.	4307*	4309*
Lb.....	Rods.	4307*	4309*
Lb.....	Blocks.	4307*	4309*
Lb.....	Sheets.	4307*	4309*
Lb.....	Gaskets.	4307*	4309*
Lb.....	Washers.	4307*	4309*
Lb.....	Grease containers.	4307*	4309*
Lb.....	Shoe insoles.	4307*	4309*
Lb.....	Polishing wheels.	4307*	4309*
Lb.....	Expansion joint material.	4307*	4309*
Lb.....	Handle grips.	4307*	4309*
Lb.....	Natural cork manufactures:		
Lb.....	Daubers.	4309*	4309*
Lb.....	Life preservers.	4309*	4309*
Lb.....	Floats.	4309*	4309*
Lb.....	Buoys.	4309*	4309*
Lb.....	Swabs.	4309*	4309*
Lb.....	Polishing wheels.	4309*	4309*
Lb.....	Balls.	4309*	4309*
Lb.....	Bobbers.	4309*	4309*
Lb.....	Paper.	4309*	4309*
Lb.....	Lane lifts.	4309*	4309*
Lb.....	Gaskets.	4309*	4309*
Lb.....	Clutch corks.	4309*	4309*
Lb.....	Cots.	4309*	4309*

## NONMETALLIC MINERALS

Lb.....	Carbon Electrodes: Electrodes for furnace or electrolytic work.	5473*	5960*
Units.....	Brushes and stock.	5474*	5960*
Units.....	Lighting carbons.	5478*	5960*
Units.....	Other.	5480*	5960*
Lb.....	Petrolatum: Petrolatum and Petroleum Jelly, including medicinal, cosmetic, lubricant, rust preventive, polishes and soap grades.	5042	5048*

## CHEMICALS

Unit of quantity	Commodity description	Commodity numbers	
		B	F
	COAL-TAR PRODUCTS		
Lb.....	Naphthalene.....	8020*	8009*
Lb.....	Phenol.....	8023	8009*
Lb.....	Aniline.....	8025.1	8009*
Lb.....	Phthalic anhydride.....	8025.9*	8009*
Lb.....	Dibutyl phthalate.....	8025.9*	8009*
Lb.....	Diethyl phthalate.....	8025.9*	8009*
Lb.....	Dipropyl phthalate (normal and iso).....	8025.9*	8399*
Lb.....	Omega chloroacetophenone.....	8025.9*	8009*
Lb.....	Styrene.....	8025.9*	8009*
Lb.....	Nitroderivatives of benzene, toluene, xylene, naphthalene and phenols (commonly referred to as coal-tar intermediates) in addition to those specified in the Proclamation of May 1, 1937.....	8025.9*	8009*
	MEDICINE AND PHARMACEUTICAL PREPARATIONS		
Lb.....	Strychnine and salts thereof.....	8135*	8180*
	CHEMICAL SPECIALTIES		
Lb.....	Alkyd Resins.....	8253*	8399*
Lb.....	Polymers and copolymers of butadiene, Acrylonitrile, Butylene, Chloroprene, Styrene, Vinylidene chloride, and synthetic rubber-like compounds, fabricated or unfabricated.....	8258*	8399*
Lb.....	Nylon.....	8258*	8399*
	INDUSTRIAL CHEMICALS		
Lb.....	Chloropierin.....	8329.9*	8399*
Lb.....	Tartaric acid.....	8302	8309*
Lb.....	Rochelle salts.....	8350*	8359*
Lb.....	Cuprous oxide.....	8399.9*	8399*
Lb.....	Acetic aldehyde.....	8329.9*	8399*
Lb.....	Pentaerythritol.....	8329.9*	8399*
Lb.....	Formaldehyde.....	8320	8399*
Lb.....	Nitroguanidine.....	8385*	8399*
Lb.....	Guanidine nitrate.....	8385*	8399*
Lb.....	Dicyanodiamide.....	8385*	8399*
Lb.....	Monochloroacetic acid.....	8303*	8399*
Lb.....	Chloroacetyl chloride.....	8329.9*	8399*
Lb.....	Thiodiglycol.....	8315*	8399*
Lb.....	Ethylene chlorhydrine.....	8329.9*	8399*
Lb.....	Hexamethylene tetramine.....	8329.9*	8399*
Lb.....	Acrylonitrile.....	8329.9*	8399*
Lb.....	Butadiene.....	8329.9*	8399*
Lb.....	Butylene.....	8395*	8399*
Lb.....	Chloroprene.....	8329.9*	8399*
Lb.....	Sodium chlorate.....	8379*	8379*
Lb.....	Sulphur chlorides.....	8399.9*	8399*
Lb.....	Arsenic trichloride.....	8399.9*	8399*
Lb.....	Vinylidene chloride.....	8329.9*	8399*
Lb.....	Iodine.....		
Lb.....	Iodine, iodides, iodates.....	8346	8399*
	EXPLOSIVES		
	Commercial explosives:		
Lb.....	Dynamite.....	8604	8690*
Lb.....	Blasting gelatin.....	8609*	8690*
Lb.....	Similar explosive compounds.....	8609*	8690*
Lb.....	Lead azide.....	8609*	8690*
Lb.....	Sodium azide.....	8609*	8690*
Lb.....	Nitroglycerin.....	8609*	8690*
Lb.....	Nitrostarch.....	8609*	8690*
Lb.....	Nitromannite.....	8609*	8690*
Lb.....	Nitrocellulose, having a nitrogen content of less than 12%.....	8268*	8399*
Units.....	Detonators and blasting caps.....	8269*	8690*

2. Effective April 15, 1941, the forms, conversions and derivatives of Silk (item u., paragraph 2 of Proclamation No. 2413 ' ) shall consist of the following (superseding Export Control Schedule No. 1):

\*5 F.R. 2467.

## TEXTILE FIBERS AND MANUFACTURES

Unit of quantity	Commodity description	Commodity numbers	
		B	F
	SILK		
Lb.....	Unmanufactured:		
Lb.....	Raw silk.....		3702
Lb.....	Waste silk and used silk rags.....	3798*	3704
	Semimanufactured:		
Lb.....	Thrown silk yarn.....	3710	3799*
Lb.....	Spun silk yarn.....	3711	3711
Lb.....	Silk noils.....	3798*	3799*
Lb.....	Silk noil yarn.....	3711	3711
	Silk manufactures:		
Lb.....	Silk parachute cloth.....	3720*	3720*
Lb.....	Silk cartridge cloth suitable for powder bags.....	3720*	3720*

3. Effective April 15, 1941, the forms, conversions and derivatives of Abrasives and Abrasive Products Containing Emery, Corundum, or Garnet, as well as Abrasive Paper and Cloth (item 7, proclamation No. 2451 ' ) shall consist of the following (superseding Export Control Schedule No. 1):

## NONMETALLIC MINERALS

Unit of quantity	Commodity description	Commodity numbers	
		B	F
	OTHER NONMETALLIC MINERALS, INCLUDING PRECIOUS		
	Abrasives and Abrasive Products:		
Lb.-----	Wheels of emery, corundum, and garnet.	5405	5419*
Lb.-----	Artificial abrasives, crude and in grain.	5406	5419*
Lb.-----	Wheels of artificial abrasives.	5412	5419*
Ream.-----	Abrasive paper and cloth.	5418	5419*
Lb.-----	Other artificial abrasives, bones, whetstones, etc., except steel abrasives.	5419	5419*

4. Effective April 15, 1941, the forms, conversions and derivatives of Graphite (item 2, paragraph 2 of Proclamation No. 2413 ' ) and Graphite Electrodes (item 2 of paragraph 1 of Proclamation No. 2461) shall consist of the following (superseding Export Control Schedule No. 1):

## NONMETALLIC MINERALS

Unit of quantity	Commodity description	Commodity numbers	
		B	F
	OTHER NONMETALLIC MINERALS, INCLUDING PRECIOUS		
	Graphite:		
Lb.-----	Flake and crystalline lump or chip.	5472*	5960*
Lb.-----	Ceylon amorphous.	5472*	5960*
Lb.-----	Graphite electrodes.	{5473* 5480*}	5960*
Lb.-----	Manufactures in which either flake graphite or crystalline lump or chip graphite is an essential component, including graphite crucibles, retorts, and stoppers (Report graphite content in pounds).	5480*	5960*

\*5 F.R. 5229.



5. Effective April 15, 1941, Railway-Track Materials as defined in subdivision "Steel Mill Manufactures" under caption "Iron and Steel" in Export Control Schedule No. 1, is superseded as follows:

## METALS AND MANUFACTURES

Unit of quantity	Commodity description	Commodity numbers	
		B	F
	<b>IRON AND STEEL</b>		
	<i>Steel mill manufactures</i>		
	<i>Railway-track materials:</i>		
	<i>Rails:</i>		
Long ton..	60 pounds and over per yard.	6051	6209*
Long ton..	Less than 60 pounds per yard.	6052	6209*
Long ton..	Relaying rails.	6053	6209*
Lb.....	Rail joints, splice bars, fishplates, tieplates, and unfabricated tie stock whether or not sheared to length.	6054 6209*	6209*
Lb.....	Switches, switch points, frogs, crossings, and derails.	6055	6209*
Lb.....	Railroad spikes, including railroad screw spikes.	6058	6209*

6. Effective April 15, 1941, Wire and Manufactures as defined in subdivision "Steel Mill Manufactures" under caption "Iron and Steel" in Export Control Schedule No. 1 is superseded as follows:

## METALS AND MANUFACTURES

Unit of quantity	Commodity description	Commodity numbers	
		B	F
	<b>IRON AND STEEL</b>		
	<i>Steel mill manufactures</i>		
Lb.....	Wire and manufactures: Iron or steel wire, uncoated, including plain steel, stainless steel, <sup>1</sup> and alloy steel other than stainless. <sup>2</sup>	6081	6091*
Lb.....	Galvanized wire.	6082	6091*
Lb.....	Barbed wire.	6083	6091*
Lb.....	Woven-wire fencing.	6085	6091*
Lb.....	Wire rope and wire strand:		
Lb.....	Wire rope and cable, not insulated.	6087.1	6091*
Lb.....	Wire strand.	6087.5	6091*
Lb.....	Electric welding rods and wire of iron or steel.	6088	6091*
Lb.....	Welding rods and wire of iron or steel, other than electric.	6091*	6091*
Lb.....	Bale ties.	6091*	6091*
Lb.....	Electrical and telephone transmission wires of iron or steel, coated with aluminum, copper, or other metals.	6091*	6091*
Lb.....	Insulated wire and cable having an iron or steel core.	6091*	6091*
Lb.....	Twisted wire.	6091*	6091*
Lb.....	Wire clothesline.	6091*	6091*
Lb.....	Wire on spools or in coils, not attached to cards.	6091*	6091*
Lb.....	Picture cord on spools or in coils, not attached to cards.	6091*	6091*
Lb.....	Picture cord, attached to cards, without hangers or screw eyes (25 feet or more cord per card).	6091*	6091*
Lb.....	Other coated wire of iron or steel. (Report galvanized under 6082).	6091*	6091*

<sup>1</sup> See footnote Export Control Schedule No. 1.  
<sup>2</sup> See footnote Export Control Schedule No. 2.

7. Effective April 15, 1941, the forms, conversions and derivatives of Tungsten (item x., paragraph 2 of Proclamation No. 2413<sup>4</sup>) shall consist of the following (superseding Export Control Schedule No. 1):

## METALS AND MANUFACTURES

Unit of quantity	Commodity description	Commodity numbers	
		B	F
	<b>NONFERROUS METALS</b>		
	<i>Tungsten:</i>		
Long ton..	Ores and concentrates.	6245*	6220*
Lb.....	Metal in pigs, bars, wire, filament, carbide nibs, shapes and other forms.	6230 7099.9*	6220* 7099*
Lb.....	Alloys containing tungsten, including tool bit blanks (Ferrotungsten listed under Ferro-Alloys).	6230 6220.9*	6220* 6220*
Lb.....	Tungsten bearing scrap metal.	6230	6220*
Lb.....	Tungsten salts and compounds. (Listed under Industrial Chemicals).	8399.9*	8399*

8. Effective April 15, 1941, the forms, conversions and derivatives Aluminum (item a., Paragraph 2, Proclamation No. 2413<sup>4</sup>) shall consist of the following (superseding Export Control Schedule No. 1):

## METALS AND MANUFACTURES

Unit of quantity	Commodity description	Commodity numbers	
		B	F
	<b>NONFERROUS METALS</b>		
	<i>Aluminum:</i>		
Long ton..	Bauxite concentrates.	6296	6640*
Long ton..	Alumina.	6294	6309*
Lb.....	Aluminum:		
Lb.....	Ingots, slabs, and other crude forms.	6300	6309*
Lb.....	Scrap.	6301	6309*
Lb.....	Plates, sheets, bars, strips, and rods.	6303	6309*
Lb.....	Foil, whether or not embossed or paper-backed.	6304 4725*	4799*
Lb.....	Tubes, moldings, castings, and other shapes.	6305	6309*
Lb.....	Aluminum (aluminum bronze) powder.	6308.5*	6309*
Lb.....	Aluminum alloys:		
Lb.....	Ingots, slabs, and other crude forms.	6300	6309*
Lb.....	Scrap.	6301	6309*
Lb.....	Plates, sheets, bars, strips, and rods.	6303	3609*
Lb.....	Tubes, moldings, castings, and other shapes.	6305	6309*
Lb.....	Aluminum salts and compounds (Listed under Industrial Chemicals).		

9. Effective April 15, 1941, the forms, conversions and derivatives of Brass and Bronze (item 2, Proclamation No. 2453<sup>5</sup>) shall consist of the following (superseding Export Control Schedule No. 1):

<sup>4</sup> 5 F.R. 2467.  
<sup>5</sup> 6 F.R. 293.

## METALS AND MANUFACTURES

Unit of quantity	Commodity description	Commodity numbers	
		B	F
	<b>NONFERROUS METALS</b>		
Lb.....	Brass and Bronze: <sup>1</sup>		
Lb.....	Scrap and old.	6440	6479*
Lb.....	Ingots and other commercial shapes.	6441	6479*
Lb.....	Bars and rods.	6448	6479*
Lb.....	Plates, sheets, and strips, including window strips and shapes.	6450 6479*	6479*
Lb.....	Pipes, tubes, and pipe coils.	6453	6479*
Lb.....	Wire (bare and insulated).	6457	6479*
Lb.....	Fabrications for munitions.	6479*	6479*

<sup>1</sup> State contents in pounds of component metals.

10. Effective April 15, 1941, the forms, conversions and derivatives of Lead, (item (2), Proclamation No. 2464<sup>7</sup>) shall consist of the following (superseding Export Control Schedule No. 1):

## METALS AND MANUFACTURES

Unit of quantity	Commodity description	Commodity numbers	
		B	F
	<b>NONFERROUS METALS</b>		
	<i>Lead, including antimonial lead:</i>		
Long ton..	Ore, matte and base bullion.	6640*	6640*
Lb.....	Pigs and bars.	6507	6515*
Lb.....	Sheets, pipes, bends.	6508	6515*
Lb.....	Solder.	6512	6515*
Lb.....	<i>Manufactures:</i>		
Lb.....	Shot.	6515*	6515*
Lb.....	Sinkers.	6515*	6515*
Lb.....	Wire.	6515*	6515*
Lb.....	Wool.	6515*	6515*
Lb.....	Caulking.	6515*	6515*

11. Effective April 15, 1941, the forms, conversions and derivatives of Zinc (item 3, Proclamation No. 2453<sup>5</sup>) shall consist of the following (superseding Export Control Schedule No. 1):

## METALS AND MANUFACTURES

Unit of quantity	Commodity description	Commodity numbers	
		B	F
	<b>NONFERROUS METALS</b>		
	<i>Zinc:</i>		
Long ton..	Ore, concentrates, and dross.	6570	6640*
Lb.....	Cast in slabs, plates, or blocks.	6571	6640*
Lb.....	Rolled in sheets and strips.	6572	6640*
Lb.....	Other forms including scrap.	6573	6640*
Lb.....	Alloys, other than brass or bronze, including scrap.	6573	6640*
Lb.....	Dust.	6586	6640*
Lb.....	Manufactures containing 20 percent, or more zinc including addressograph blanks and photo-engraving sheets and plates.	6589* 6572*	6640*
Lb.....	Zinc salts and compounds (Listed under Industrial Chemicals).	8399.9*	8399*

<sup>6</sup> 6 F.R. 1299.



12. Effective April 15, 1941, the forms, conversions and derivatives of Radium (item (2), Proclamation No. 2456\*) shall consist of the following (superseding Export Control Schedule No. 1):

## METALS AND MANUFACTURES

Unit of quantity	Commodity description	Commodity numbers	
		B	F
	NONFERROUS METALS		
	Radium:		
Gram-----	Metal-----	6640*	6640*
Gal-----	Paint containing radium in any form.	8438*	8442*
	Salts and compounds (Listed under Industrial Chemicals).	8135*	8180*

13. Effective April 15, 1941, the forms, conversions and derivatives of Platinum Group Metals (item q., paragraph 2 of Proclamation No. 2413\*) shall consist of the following (superseding Export Control Schedule No. 1):

## METALS AND MANUFACTURES

Unit of quantity	Commodity description	Commodity numbers	
		B	F
	PRECIOUS METALS		
	Platinum group metals:		
	Platinum:		
Troy oz....	Ore and concentrates...	6920	6999*
	Metal and alloys:		
Troy oz....	Bars, ingots, sheets, slabs, wire, sponge, and other forms, including scrap.	6922*	6999*
Troy oz....	Manufactures, other than jewelry (including crucibles).	6229*	6999*
	Palladium, rhodium, iridium, osmium, ruthenium, and osmium:		
Troy oz....	Metal and alloys, including scrap.	6922* 6929*	6999*
	Platinum group salts and compounds. (Listed under Industrial Chemicals).	8399.9*	8399*

14. Effective April 15, 1941, the forms, conversions and derivatives of Well and Refining Machinery (item (1), Proclamation No. 2456\*) shall consist of the following (superseding Export Control Schedule No. 1):

## MACHINERY

Unit of quantity	Commodity description	Commodity numbers	
		B	F
	Well and refining machinery:		
Units.....	Petroleum and gas well equipment and parts including:	7342	7750*
Units.....	Well drilling machinery and parts.	7349	
	Seismographs and parts.	7349	7750*
Units.....	Diesel engine parts for oil field use.	7147	7750*
		7148	
		7349	
Units.....	Petroleum refining machinery, equipment, and parts.	7349	7750*

15. Effective April 15, 1941, the forms, conversions and derivatives of "Aircraft

parts, equipment and accessories other than those listed in the President's Proclamation of May 1, 1937" (item a, paragraph 4, Proclamation No. 2413\*) shall consist of the following (superseding Export Control Schedule No. 1):

## MACHINERY

Unit of quantity	Commodity description	Commodity numbers	
		B	F
	Aircraft parts, equipment, and accessories other than those listed in the President's Proclamation of May 1, 1937, includes only:		
Units.....	Aircraft navigation instruments*	7948*	7999*
Units.....	Aircraft radio transmitting and receiving sets.	7948*	7999*
Units.....	Aircraft gyro instruments	7948*	7999*
Units.....	Bomb rack controls	7949.9*	7999*
Units.....	Frame assemblies	7949.9*	7999*
Units.....	Rudder pedals	7949.9*	7999*
Units.....	Automatic pilot controls	7948*	7999*
Units.....	Wing tips	7949.9*	7999*
Units.....	Control columns	7949.9*	7999*
Units.....	Fuel tanks	7949.9*	7999*
Units.....	Struts and braces	7949.9*	7999*
Units.....	De-icers	7949.9*	7999*
Units.....	Bomb sights <sup>1</sup>	7949.9*	7999*
Units.....	Aerial cameras <sup>1</sup>	9002.3*	9140*
Units.....	Flares	9497.9*	9999*
	And the following aircraft engine parts:		
Units.....	Cowls	7947*	7999*
Units.....	Magnetos	7947*	7999*
Units.....	Carburetors	7947*	7999*
Units.....	Spark plugs	7947*	7999*
Units.....	Cylinders	7947*	7999*
Units.....	Crank cases	7947*	7999*
Units.....	Starters	7947*	7999*
Units.....	Superchargers	7947*	7999*
Units.....	Generators	7947*	7999*
Units.....	Oxygen regulators and tanks for use in aircraft.	7949.9*	7999*
Units.....	Radio ground equipment used for the direction and navigation of aircraft.	9190*	9190*
Units.....	Valves for use in aircraft engines.	7947*	7999*
	The aircraft parts, equipment, and accessories listed above do not require license unless the parts are exported in such a manner as to approximate in fact un-assembled units of the articles listed.		
	Parachute parts and fittings:		
Units.....	Parachutes	7945*	7999*
	Harness fittings:		
Units.....	Snaphooks	7945*	7999*
Units.....	D Rings	7945*	7999*
Units.....	Adaptor fittings	7945*	7999*
Units.....	Harness, assembled	7945*	7999*
Units.....	Shrouds	7945*	7999*

\* See Instruments, Export Control Schedule No. 1.

16. Effective April 15, 1941, Manganese Salts and Compounds as listed in subdivision "Miscellaneous Salts and Compounds" under caption "Industrial Chemicals" in Export Control Schedule Number 1 is superseded as follows:

## CHEMICALS

Unit of quantity	Commodity description	Commodity numbers	
		B	F
	INDUSTRIAL CHEMICALS		
	Manganese salts and compounds:		
Lb.....	Manganese chloride.....	8399.9*	8399*
Lb.....	Manganese dioxide, including battery mix.....	5480* 7099.9*	8399*
Lb.....	Manganese hydroxide.....	8399.9*	8399*
Lb.....	Manganese oxide.....	8399.9*	8399*
Lb.....	Manganese sulfate.....	8399.9*	8399*

17. Effective April 15, 1941, "Borates, Crude and Refined" as listed in subdivision "Miscellaneous Salts and Compounds" under caption "Industrial Chemicals" in Export Control Schedule No. 1 is superseded as follows:

## CHEMICALS

Unit of quantity	Commodity description	Commodity numbers	
		B	F
	INDUSTRIAL CHEMICALS		
	Miscellaneous salts and compounds:		
	Borates, crude:		
Lb.....	Colemanite.....	8362*	8379*
Lb.....	Kernite.....	8362*	8379*
Lb.....	Rasorite.....	8362*	8379*
Lb.....	Ulexite.....	8362*	8379*
Lb.....	Piccolite.....	8362*	8379*
Lb.....	Sassolite.....	8362*	8379*
Lb.....	Boracite.....	8362*	8379*
	Borates, refined:		
Lb.....	Sodium metaborate.....	8362*	8379*
Lb.....	Sodium tetraborate.....	8379*	8379*
Lb.....	Sodium perborate.....	8362*	8379*
Lb.....	Manganese borate.....	8362*	8379*
Lb.....	Ammonium borate.....	8362*	8379*
Lb.....	Borax glass.....	8362*	8379*
Lb.....	Boron oxide.....	8362*	8379*
Lb.....	Boron sesquioxide.....	8362*	8379*

18. Effective April 15, 1941, Phosphate Fertilizer Materials as listed in subdivision "Fertilizers and Fertilizer Materials" under caption "Chemicals" in Export Control Schedule No. 1 is superseded as follows:

## CHEMICALS

Unit of quantity	Commodity description	Commodity numbers	
		B	F
	FERTILIZERS AND FERTILIZER MATERIALS		
	Phosphatic fertilizer materials:		
Lb.....	Phosphate rock.....	(8515.1* 8515.2* 8515.6* 8515.8*)	8551*
Lb.....	Superphosphate.....	8519*	8551*

19. The forms, conversions and derivatives listed in paragraphs 1 to 18, inclusive, shall not include any of the articles named when exported in individual shipments not exceeding \$25 in value; provided, that licenses may be required for any such exportation when the Administrator determines that it is necessary in the interest of the national defense.

By direction of the President.

RUSSELL L. MAXWELL,  
Brigadier General, U. S. Army,  
Administrator of Export Control.

WASHINGTON, D. C.,  
April 1, 1941.

[F. R. Doc. 41-2492; Filed, April 4, 1941; 2:25 p. m.]

## TITLE 36—PARKS AND FORESTS

## CHAPTER I—NATIONAL PARK SERVICE

## AMENDMENTS

Pursuant to the authority granted to the Secretary of the Interior by the Act

\* 6 F.R. 781.



of August 25, 1916 (39 Stat. 535), and Executive Order 7496, November 14, 1936 (1 F.R. 1946), Chapter I of Title 36, Code of Federal Regulations, is amended as follows:

1. Part 20, now entitled "Local Subsidiary Regulations," shall hereafter be entitled "Special Regulations."

2. The regulations contained in Parts 2, 6, and 20 are amended by striking out the words "subsidiary regulations" and "local subsidiary regulations" wherever they appear therein, and inserting in lieu thereof the words "special regulations."

Approved: March 31, 1941.

[SEAL] A. J. WIRTZ,  
Acting Secretary of the Interior.

[F. R. Doc. 41-2513; Filed, April 7, 1941;  
10:06 a. m.]

#### PART 20—SPECIAL REGULATIONS

##### CATOCTIN RECREATIONAL DEMONSTRATION AREA, FISHING REGULATIONS

Pursuant to the authority granted to the Secretary of the Interior by Executive Order No. 7496, of November 14, 1936 (1 F.R. 1946), the following fishing regulations are prescribed for Catocin Recreational Demonstration Area:

§ 20.24 *Catocin Recreational Demonstration Area—(a) Fishing.* (1) Persons desiring to fish in the waters lying within the boundaries of the Catocin Recreational Demonstration Area in Frederick County, Maryland, must first procure an anglers license as required by the laws of the State of Maryland.

(2) Little Hunting Creek is closed to fishing. All other waters are open to fishing.

(3) The open season for fishing shall be from April 1 to June 30, inclusive. Fishing is permitted only between the hours of 7:30 a. m. and 7:30 p. m. from April 1 to April 30, inclusive, and between the hours of 7:00 a. m. and 8:00 p. m. from May 1 to June 30, inclusive.

(4) Fishing with other than artificial flies is prohibited in or on all waters except Owens Creek.

(5) The catch or creel limit of trout shall be five (5) fish per person per day, all of which must be legal length in conformance with the laws of the State of Maryland. (E.O. 7496, November 14, 1936, 1 F.R. 1946)

Approved: April 1, 1941.

[SEAL] A. J. WIRTZ,  
Acting Secretary of the Interior.

[F. R. Doc. 41-2512; Filed, April 7, 1941;  
10:06 a. m.]

#### TITLE 46—SHIPPING

##### CHAPTER II—UNITED STATES MARITIME COMMISSION

##### PART 286—RULES AND REGULATIONS FOR THE ESTABLISHMENT AND MAINTENANCE OF THE STATUTORY CAPITAL AND SPECIAL

##### RESERVE FUNDS AND FOR THE DETERMINATION OF "CAPITAL NECESSARILY EMPLOYED IN THE BUSINESS" AND "NET EARNINGS"

[General Order No. 31, Supp. No. 1]

General Order No. 31, Rules and Regulations for the Establishment and Maintenance of the Statutory Capital and Special Reserve Funds and for the Determination of "Capital Necessarily Employed in the Business" and "Net Earnings" (5 F.R. 2352), is hereby amended by adding the following paragraphs at the end of § 286.1 (c):

§ 286.1 *Creation and maintenance of statutory reserve funds.*

(c) *Investment of statutory reserve funds in securities.*

Interest received on securities held in either the statutory capital reserve fund or special reserve fund shall be deposited in the statutory capital reserve fund.

Interest paid by a depositor or depositories on the cash balance (including time deposits) in the statutory capital reserve fund or special reserve fund shall be retained in the fund with respect to which such interest payment is made.

(Section 286.1 (c), as amended, issued under authority contained in Merchant Marine Act, 1936, 49 Stat. 1985, 46 U.S.C. 1101, particularly sec. 607 (d), 49 Stat. 2005, 46 U.S.C. 1177.)

By order of the United States Maritime Commission.

W. C. PEET, Jr.  
Secretary.

APRIL 3, 1941.

[F. R. Doc. 41-2515; Filed, April 7, 1941;  
10:37 a. m.]

#### Notices

##### TREASURY DEPARTMENT.

###### Bureau of Customs.

[T. D. 50361]

###### MARKING COUNTRY OF ORIGIN

REQUIRED MARKING OF THE NAME OF THE COUNTRY OF ORIGIN ON MERCHANDISE FROM CERTAIN ISLAND POSSESSIONS OF FOREIGN COUNTRIES

APRIL 3, 1941.

Pursuant to the provisions of article 528 (b), Customs Regulations of 1937, as amended by (1938) T. D. 49658<sup>1</sup> and (1941) T. D. 50360,<sup>2</sup> articles (or containers) from the following named colonies, possessions or protectorates shall be marked as shown below:

Place	Required marking
Caroline Islands...	Caroline Islands (Japan)
Falkland Islands...	Falkland Islands (Great Britain) or Falkland Islands (Gt. Brit.)
Formosa.....	Formosa (Japan) or Taiwan (Japan)

<sup>1</sup> 3 F.R. 1808.

<sup>2</sup> Title 19, Bureau of Customs, supra.

Mariana Islands....	Mariana Islands (Japan)
Marquesas Islands....	Marquesas Islands (France)
Marshall Islands....	Marshall Islands (Japan)
New Caledonia Island....	New Caledonia (France)
New Hebrides.....	New Hebrides (France and Great Britain) or New Hebrides (Fr. and Gt. Brit.)
Pitcairn Island....	Pitcairn Island (Great Britain) or Pitcairn Island (Gt. Brit.)
Reunion Island....	Reunion Island (France)
Seychelles Islands....	Seychelles Islands (Great Britain) or Seychelles Islands (Gt. Brit.)
Society Islands....	Society Islands (France)

[SEAL] W. R. JOHNSON,  
Commissioner of Customs.

[F. R. Doc. 41-2502; Filed, April 5, 1941;  
10:54 a. m.]

##### WAR DEPARTMENT.

[Contract No. W-670-Ord-1712]

###### SUMMARY OF CONTRACT FOR SUPPLIES<sup>1</sup>

CONTRACTOR: TAYLOR-WHARTON IRON & STEEL COMPANY

Contract for \* \* \* Shells, Machining, \* \* \*

Amount: \$2,710,404.00.

Place: Philadelphia Ordnance District, Mitten Building, Philadelphia, Pa.

The supplies to be obtained under Article 1 of this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority Ord - 6829 - P11-0270-A1005-01, the available balance of which is sufficient to cover the cost of same.

This contract, entered into this eleventh day of December 1940.

*Scope of this contract.* The contractor shall furnish and deliver \* \* \* Shell, Machining, \* \* \*, for the consideration stated of two million, seven hundred ten thousand, four hundred four dollars (\$2,710,404.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

*Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

*Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government

<sup>1</sup> Approved by the Under Secretary of War March 20, 1941.



when requested by the contractor, whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

**Liquidated damages.** If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof, the contractor shall pay to the Government, as fixed, agreed, and liquidated damages \* \* \* % of the contract price of the undelivered portion for each day of delay in making delivery beyond the dates set forth in the contract for deliveries with a maximum liquidated damage charge of \* \* \* %, and the contractor and his sureties shall be liable for the amount thereof.

**Termination when contractor not in default.** This contract is subject to termination by the Government at any time as its interests may require.

**Quantities.** The Government reserves the right to increase the quantity of this contract by as much as \* \* \* % and at the unit price specified in Article 1, such option to be exercised within \* \* \* days from date of this contract.

**Place of manufacture.** The contractor will perform the work under this contract in the factory or factories listed below:

Taylor-Wharton Iron & Steel Company, Easton, Pennsylvania

**Performance bond.** Contractors shall be required to furnish a performance bond in duplicate in the sum of ten percent of the total amount of this contract with surety or other security acceptable to the Government to cover the successful completion of this contract.

**Materials to be supplied by the Government.** The Government will furnish, f. o. b. the contractor's plant, a quantity of forgings.

**Use of Government owned machine tools and aids to manufacture.** In the manufacture of the articles of munitions listed under Article 1 hereof, the use of machine tools, punches, dies, gages, jigs, fixtures, patterns, and other aids to manufacture acquired by the Government is hereby approved and agreed upon, and the price of this contract is predicated upon such use.

**Price adjustments.** The contract prices stated in Article 1 are subject to adjustments for changes in labor and materials costs.

**Advance payment.** (a) The Government agrees to advance to the contractor the sum of eight hundred thirteen thousand one hundred twenty-one dollars and twenty cents (\$813,121.20).

(b) It is mutually agreed that, as a condition precedent to the advance of funds, as indicated in paragraph (a) of this Article, the contractor will furnish the Government with surety bond or other adequate security satisfactory to The Secretary of War for the full amount

of the advance payment herein agreed upon.

(c) The contractor agrees to liquidate the full amount of the advance payment here authorized, as follows: Deduction of 30% from any and all payments made by the Government under the terms of this contract until the advance payment is fully liquidated.

This contract is authorized by the following law:

The Act of July 2, 1940 (Public No. 703, 76th Congress).

FRANK W. BULLOCK,  
Major, Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F.R. Doc. 41-2497; Filed, April 5, 1941;  
9:57 a. m.]

#### [Supplemental Contract No. A]

#### SUMMARY OF SUPPLEMENTAL CONTRACT<sup>1</sup> TO COST-PLUS-A-FIXED-FEE CONTRACT<sup>2</sup>

CONTRACTOR: E. T. ARCHER & COMPANY, 609  
NEW ENGLAND BUILDING, KANSAS CITY,  
MISSOURI

Estimated cost: (Original) \$4,398,-  
360.00, (supplemental) \$2,029,036.00, to-  
tal, \$6,427,396.00.

Fixed Fee: (Original) \$30,923.00, (sup-  
plemental) \$7,750.00, total, \$38,673.00.

Supplemental contract for: The Archi-  
tectural-Engineering Services in connec-  
tion with the construction of additional  
housing, storage and hospital facilities  
and the elimination of certain buildings  
and facilities.

The supplies and services to be ob-  
tained by this instrument are authorized  
by, are for the purpose set forth in, and  
are chargeable to, Procurement Author-  
ity No. QM 8234 PI-3211 A 0540.068-N the  
available balance of which is sufficient  
to cover the cost of same.

This supplemental contract, entered  
into this 5th day of February 1941.

Whereas there is now in full force and  
effect between the parties hereto a cer-  
tain contract which provides for the  
Architectural-Engineering services for  
the construction of a complete tent camp  
at Camp Area #18 near Alexandria,  
Louisiana, bearing date of September 10,  
1940, and being identified as Contract  
No. W 6134 QM-3, (hereinafter referred  
to as the "principal contract");

Now therefore, the parties do hereby  
mutually agree that the said principal  
contract above described shall be and the  
same is hereby modified in the following  
manner: ADD the following work to the  
description of the project described under  
Article I: \* \* \* The Architec-  
tural-Engineering services in connection  
with the construction of additional hous-  
ing, storage and hospital facilities and  
the elimination of certain buildings and

facilities at Camp Claiborne, near Alex-  
andria, Louisiana.

Delete the last four lines of Paragraph  
1 of Article I of the principal contract  
relating to the estimated cost of the con-  
struction project and insert in lieu  
thereof the following:

and estimated to cost \$6,427,396.00.

Delete Sub-Paragraph a of Section 1  
of Article VI of the principal contract  
relating to the fixed fee and insert in lieu  
thereof the following:

a. A fixed fee in the amount of Thirty-  
Eight Thousand Six Hundred and Seventy-  
Three and no/100ths (\$38,673.00) Dollars,  
which shall constitute complete compensa-  
tion for the Architect-Engineer's services.

The principal contract except as modi-  
fied and supplemented by this Supple-  
mental Contract, shall be and remain in  
full force and effect.

This supplemental contract is author-  
ized by Public No. 703, 76th Congress,  
Approved July 2, 1940.

FRANK W. BULLOCK,  
Major, Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-2495; Filed, April 5, 1941;  
9:57 a. m.]

#### [Supplemental Contract A]

#### SUMMARY OF SUPPLEMENTAL CONTRACT<sup>1</sup> TO COST-PLUS-A-FIXED-FEE CONTRACT<sup>2</sup>

CONTRACTOR: W. HORACE WILLIAMS CO., 833  
HOWARD AVENUE, NEW ORLEANS, LOUISIANA

Estimated cost: (Original) \$4,242,-  
655.00, (supplemental) \$1,980,618.00,  
total, \$6,223,273.00.

Fixed fee: (Original) \$155,705.00,  
(supplemental) \$48,418.00, total, \$204,-  
123.00.

Supplemental contract for: Construc-  
tion of additional housing, storage and  
hospital facilities and the elimination of  
certain buildings and facilities.

The supplies and services to be ob-  
tained by this instrument are authorized  
by, are for the purpose set forth in, and  
are chargeable to, Procurement Author-  
ity No. QM 8235 P. R. 99-A 0540.068-N  
the available balance of which is suffi-  
cient to cover the cost of same.

This supplemental contract, entered  
into this 1st day of March 1941.

Whereas, there is now in full force and  
effect between the parties hereto a cer-  
tain contract which provides for the con-  
struction of additional housing, storage  
and hospital facilities and the elimina-  
tion of certain buildings and facilities  
at Camp Claiborne, Louisiana bearing  
date of September 16, 1940, and being  
identified as Contract No. W-6134-qm-2,  
(hereinafter referred to as the "principal  
contract");

<sup>1</sup> Approved by the Under Secretary of War,  
March 18, 1941.

<sup>2</sup> No. W 6134 QM-3, Dated September 10,  
1940. (Published in FEDERAL REGISTER March  
18, 1941.)

<sup>1</sup> Approved by the Under Secretary of War,  
March 21, 1941.

<sup>2</sup> No. W 6134 qm-2, Dated September 16,  
1940. (Published in FEDERAL REGISTER, March  
18, 1941.)



Now therefore, the parties do hereby mutually agree that the said principal contract above described shall be and the same is hereby modified in the following manner: Add the following work to the description of the project described under Article I: \* \* \* Construction of additional housing, storage and hospital facilities and the elimination of certain buildings and facilities.

Delete Paragraph 2, Section 1 Article I of the principal contract relating to the estimated cost and completion time and insert in lieu thereof the following paragraph:

2. It is estimated that the total cost of the construction work covered by this contract will be approximately six million two hundred twenty-three thousand, two hundred seventy-three and no/100 dollars (\$6,223,273.00), exclusive of the Contractor's fee.

Delete subdivision (c), Paragraph 3, Section 1, Article I of the principal contract relating to the fixed-fee, and insert in lieu thereof the following paragraph:

(c) A fixed-fee in the amount of two hundred four thousand one hundred twenty-three and no/100 (\$204,123.00) dollars, which shall constitute complete compensation for the Contractor's services, including profit and all general overhead expenses.

The principal contract, except as modified and supplemented by this supplemental Contract, shall be and remain in full force and effect.

This supplemental contract is authorized by Public No. 703, 76th Congress, Approved July 2, 1940.

FRANK W. BULLOCK,  
Major, Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-2496; Filed, April 5, 1941;  
9:57 a. m.]

[Contract No. W 669 qm-9876; O. I. No. 3370]

#### SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: UNITED STATES RUBBER  
COMPANY

Contract for: Raincoats, Single Texture.

Amount: \$1,027,000.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this twenty-second day of November 1940.

*Scope of this contract.* The contractor shall furnish and deliver \* \* \* Raincoats, Single Texture, Rubberized, Olive Drab, for the consideration stated totaling one million, twenty-seven thousand dollars (\$1,027,000.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

*Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will

be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

*Delays—Damages.* If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

*Liquidated damages.* Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to \* \* \* percentum of the price of such article for each day's delay after the time specified for delivery.

Bond: Furnished. Amount: \$205,400.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 350 P2-0240 A 0515-01 the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directive No. P-C-120, awarded under the authority of Section 1 (a) of the Act of July 2, 1940 (Public, No. 703, 76th Congress).

FRANK W. BULLOCK,  
Major, Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-2508; Filed, April 7, 1941;  
10:04 a. m.]

[Contract No. W-271-ORD-513]

#### SUMMARY OF CONTRACT FOR SUPPLIES<sup>1</sup>

CONTRACTOR: J. I. CASE COMPANY

Contract for: \* \* \* Complete Empty Projectiles \* \* \*; Howitzer Shell, \* \* \*

Amount: \$4,696,038.10.

Place: Chicago Ordnance District Office, 309 West Jackson Boulevard, Chicago, Illinois.

The \* \* \* Complete Empty Projectiles \* \* \* Howitzer Shells, \* \* \* to be obtained under this contract are authorized by, are for the purpose set forth in, and are chargeable to the Procurement Authority O. S. & S. A. ORD 6833 P11-0270 A 1005-01 the avail-

<sup>1</sup> Approved by the Under Secretary of War, March 28, 1941.

able balance of which is sufficient to cover the cost of this contract.

This contract, entered into this eighth day of January 1941.

*Scope of this contract.* The contractor shall furnish and deliver \* \* \* Complete Empty Projectiles \* \* \* Howitzer Shell \* \* \* for the consideration stated of four million six hundred ninety-six thousand thirty-eight dollars and ten cents (\$4,696,038.10) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

*Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

*Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

*Liquidated damages.* If the Contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof, the Contractor shall pay to the Government, as fixed, agreed, and liquidated damages \* \* \* per cent of the contract price of the undelivered portion for each day of delay in making delivery beyond the dates set forth in the contract for deliveries with a maximum liquidated damage charge of \* \* \* per cent and the Contractor and his sureties shall be liable for the amount thereof.

*Termination when Contractor not in default.* This contract is subject to termination by the Government at any time as its interests may require.

*Performance bond.* Contractors shall be required to furnish a performance bond in duplicate in the sum of ten percentum of the total amount of this contract with surety or other security acceptable to the Government to cover the successful completion of this contract.

*Place of manufacture.* The Contractor will perform the work under this contract in the factory or factories listed below:

Main Works, Plant #1, Racine, Wisconsin.

Tractor Works, Plant #3, Mt. Pleasant, Racine County, Wisconsin.

*Price adjustments.* The contract prices stated in Article 1 are subject to



adjustments for changes in materials costs.

*General.* It is expressly agreed that quotas for labor will not be altered on account of delays in completion.

This contract is authorized by the Act of July 2, 1940 (Public No. 703, 76th Congress.)

FRANK W. BULLOCK,  
Major, Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-2509; Filed, April 7, 1941;  
10:05 a. m.]

[Contract No. W 852 ord-7525]

#### SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: WESTERN CARTRIDGE COMPANY

Contract for: \* \* \* Cartridges,  
\* \* \* Caliber \* \* \* Long Rifle.

Amount: \$1,163,498.25.

Place: Springfield Armory, Springfield, Massachusetts.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority Ord-7821-P11-0270-A1005-01, the available balance of which is sufficient to cover cost of same.

This contract, entered into this 30th day of January 1941.

*Scope of this Contract.* The contractor shall furnish and deliver the following Cartridges, \* \* \* Caliber \* \* \* long rifle, total one million one hundred sixty-three thousand four hundred ninety-eight and 25/100 dollars (\$1,163,498.25) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Government property specified herein will be furnished the contractor, at Government expense, for use only in testing and control firing of Caliber \* \* \* Long Rifle ammunition, being manufactured under this contract.

*Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

*Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

*Payments.* The contractor shall be paid, upon the submission of properly

certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

*Bond.* A Performance Bond will be required in support of the contract for the ammunition covered by this specification. The amount of the performance bond shall be ten per cent (10%) of the consideration of the contract. In addition to guaranteeing the contract, the performance bond will also be guarantee for the return of loaned material in as good condition as when received less fair wear and tear.

FRANK W. BULLOCK,  
Major, Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-2510; Filed, April 7, 1941;  
10:05 a. m.]

[Contract No. W-271-ORD-523]

#### SUMMARY OF CONTRACT FOR SUPPLIES<sup>1</sup>

CONTRACTOR: STEWART-WARNER CORPORATION

Contract for: \* \* \* Metal Parts  
for Fuzes, \* \* \*.

Amount: \$1,647,360.00.

Place: Chicago Ordnance District Office, 309 West Jackson Boulevard, Chicago, Illinois.

The \* \* \* Metal Parts for Fuzes, \* \* \*, to be obtained under this contract are authorized by, are for the purpose set forth in, and are chargeable to the Procurement Authority O. S. & S. A. ORD 6907 P11-0270 A1005-01, the available balance of which is sufficient to cover the cost of this contract.

This contract, entered into this sixteenth day of January 1941.

*Scope of this contract.* The contractor shall furnish and deliver \* \* \* Metal Parts for Fuzes, \* \* \*, for the consideration of one million six hundred forty-seven thousand three hundred sixty dollars (\$1,647,360.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

*Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may

<sup>1</sup> Approved by the Under Secretary of War March 28, 1941.

at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

*Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

*Increased quantities.* The Government reserves the right to increase the quantity on this contract by as much as \* \* \* %, and at the Unit price specified in Article 1, such option to be exercised within \* \* \* days from date of this contract.

*Termination when contractor not in default.* This contract is subject to termination by the Government at any time as its interests may require.

*Performance bond.* Contractors shall be required to furnish a performance bond in duplicate in the sum of ten per centum of the total amount of this contract with surety or other security acceptable to the Government to cover the successful completion of this contract.

*Place of manufacture.* The Contractor will perform the work under this contract in the factory or factories listed below:

Stewart-Warner Corporation, 1826 West Diversey Parkway, Chicago, Illinois.

*Price adjustments.* The contract prices stated in Article 1 are subject to adjustments for changes in labor costs.

*Payments.* The Contractor shall be paid, upon the submission of properly certified invoices or vouchers, the base prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the Contractor, whenever such payments would equal or exceed either one thousand dollars (\$1,000.00) or fifty per cent (50%) of the total amount of the contract. All adjusted payments in accordance with provision of Article 28, *Price Adjustments*, will be made with the final payment upon the submission of properly certified invoices or vouchers.

This contract is authorized by the Act of July 2, 1940 (Public No. 703—76th Congress.)

FRANK W. BULLOCK,  
Major, Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-2507; Filed, April 7, 1941;  
10:04 a. m.]



## DEPARTMENT OF THE INTERIOR.

## Bituminous Coal Division.

[Docket Nos. A-414, A-415]

PETITION OF DISTRICT BOARD 9 FOR THE DELETION OF THE NAME "BLUE GRASS COAL PRODUCTS CORPORATION" FROM THE SCHEDULE OF EFFECTIVE MINIMUM PRICES AND FOR REVISION OF MINIMUM PRICES FOR MINE INDEX NOS. 28, 40, 45, 60, 67, 76, 79, 80, AND 81 INTO ALL MARKET AREAS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

## NOTICE OF AND ORDER FOR CONTINUANCE OF HEARING

The above-entitled matters having been assigned for public hearing on temporary and permanent relief before W. A. Shipman, the duly designated Trial Examiner, on April 2, 1941, at 10 o'clock a. m., at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.; and

Original petitioner having filed with the Division a motion that said hearing be continued; and

The Director finding that a reasonable showing of necessity has been made for the granting of said motion;

It is ordered, That the hearing on temporary and permanent relief in the above-entitled matters be, and it hereby is, continued from April 2, 1941, at 10 o'clock a. m., until April 25, 1941, at 10 o'clock a. m., at the place and before the officers heretofore designated.

Dated: April 4, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-2519; Filed, April 7, 1941; 11:13 a. m.]

[Docket No. A-579]

PETITION OF THE CLEAN EAGLE COAL COMPANY, DISTRICT 8, FOR REDUCTION IN CLASSIFICATION OF THE COALS OF MINE INDEX 109 IN SIZE GROUPS 18-21 FROM "B" TO "D"

## MEMORANDUM AND ORDER GRANTING TEMPORARY RELIEF TO CLEAN EAGLE MINE AND MALLORY MINES NOS. 2, 3, 4 AND 5

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division by the Clean Eagle Coal Company, a code member in District 8.

The petition prays for preliminary and permanent orders changing the classifications for coals of the Clean Eagle Mine (Mine Index No. 109), in Size Groups 18 to 21, from "B" to "D" on the grounds that owing to changes in seam conditions and loading methods, their quality has deteriorated and that they actually compete with coals of mines in the Dorothy, Island Creek and Chilton Seams bearing "E" classifications. Mallory Coal Company filed an intervening petition supporting the original petition and praying for similar temporary and permanent relief

by reduction in the classifications for coals of its Mallory No. 2 (Mine Index No. 312) and No. 3 (Mine Index No. 313) Mines from "B" to "E", and of its Mallory No. 4 (Mine Index No. 314) and No. 5 (Mine Index No. 315) Mines from "B" to "D".

After due notice to interested persons, an informal conference was held on January 22, 1941, and by Order of February 7, 1941, the Director denied temporary relief.

A hearing in this matter was held on February 20 to 28, 1941, before a duly designated Examiner of the Division.<sup>1</sup>

After the hearing, Clean Eagle and Mallory filed motions reiterating their prayers for temporary relief, on the basis of the record (on March 1 and March 8, 1941, respectively).

District Board 8 at first intervened in opposition to both the requests of Clean Eagle and Mallory, but subsequent to the hearing, it filed its consent to the granting of temporary relief to both companies by reduction of the classifications of their coals, but only from "B" to "D". District Board 2, the Lorado Coal Mining Company, and Amherst Coal Company intervened generally. At the hearing, Amherst supported the request for temporary relief by Clean Eagle.

It appears from the record that:

As to the Clean Eagle Mine. The Clean Eagle Mine is located in Logan County in the Eagle Seam. Prior to October 1, 1939, it was largely a hand-loading operation, in bad physical condition, working a three foot seam at high cost. It was unable to accept steam slack orders, and had only seasonal lake by-product business. In October 1939, at great cost, operating conditions were improved and additional conveyors installed, and the company developed a diversified steam slack business on a year-round basis. As a result, the mine's production increased, was distributed regularly over the year, and the mine achieved running time over 95 per cent of its rated capacity, which is better than the average for Logan Subdistrict mines.

Establishment of the effective price classification of "B" for the Clean Eagle coals in Size Groups 18 to 21 resulted in

<sup>1</sup> The hearing was held, and the record made for Dockets Nos. A-529, A-538, A-579, and A-594, all of which had been duly consolidated. Dockets Nos. A-529, A-579, and A-594 were consolidated by Order of the Director dated January 30, 1941, and subsequently, Docket No. A-538 was consolidated with them by Order of February 14, 1941.

Informal conferences were held in each matter, prior to their consolidation. Thereafter, temporary reductions in the effective prices for coals of Hutchinson Coal Company and West Virginia Coal and Coke Corporation were granted for rail shipment to destinations other than Great Lakes.

The matter of temporary relief for Amherst Coal Company will be treated in a separate memorandum opinion. As will hereafter be noted, the matter of extension of temporary relief to shipments to Great Lake destinations is under consideration by the Director. (A motion for such extension was filed by Hutchinson Coal Company on March 1, 1941.)

radically reduced operating time, except in October and November, when temporary transfer from another producer of railroad fuel orders kept the mine operating 65% and 87% of the rated capacity. The sales agent who formerly successfully sold the coals cannot move them at the presently effective price classification.

It is claimed that the curtailment in operating time is attributable to the failure to move the nut and slack coals (Size Groups 18-21) because of the fact that such coals are analytically inferior to competitive coals similarly classified; that the nut and slack coals have deteriorated in quality since the classifications now effective were proposed; and that though Clean Eagle produces good domestic lump coals, it is impossible to move such coals because of its inability to dispose of the smaller sizes. It seems that, following the change to machine loading in October 1939, a rash was encountered in the portion of the seam worked and that the unmarketable coal encountered becomes mixed with the good coal and increases its ash content. Analyses made in January 1941, as compared with those made in October 1938, show an increase in ash content and a decrease in B. t. u. content, and such other analytical changes as result in an average analysis approximating the average analysis for the classification "D" coals, as that appears in Exhibit P-176 of General Docket No. 15. In other respects it has the disadvantage of a large percentage of fines and the tendency to cake common to Logan County Eagle Seam coals. Its general burning characteristics apparently are unchanged.

It appears that Clean Eagle's sales agent has been able to hold only one regular customer; that that customer too has complained of the price, and is seeking a "D" or "E" classification coal to replace Clean Eagle; and that other than to that customer, in 4½ months of work, the agent has succeeded in selling only seven cars of steam nut and slack. Recent and vigorous attempts to sell to old customers show that they believe Clean Eagle coal should be classified "D" or "E" for steam purposes, and that under the present coordination they prefer Dorothy, Chilton, and Hazard Seam and other coals which have lower price classifications. Under free competition, Clean Eagle coals apparently sold for as much as, but not more than 5 cents over the Avis Eagle price, and Avis Eagle is classified "E" in Size Groups 18 to 21.

As to the Mallory Mines. Mallory Coal Company's No. 2 and 3 Mines operate in the Eagle Seam in Logan County and its No. 4 and 5 Mines operate in the Powellton Seam in Logan County. Mines Nos. 2, 3, 4, and 5 are classified "B" in Size Groups 18 to 21.

It appears that the Mallory coals, in Size Groups 18-21, are also characterized by many of the physical disadvantages of the Clean Eagle coals; and that, as in the case of the latter, recent addi-



tional mechanization of the Mallory Nos. 2, 3, 4, and 5 Mines has resulted in a greater amount of impurities. The record indicates that, to meet this situation, Mallory washes a large proportion of its coals, but, apparently, the benefit derived by some reduction and more uniformity in ash content is at least partially offset by a higher moisture content, and an alleged tendency of washed coals to accumulate more moisture in shipment. The producer claims that comparison of an average of the analyses of the Mallory mines made in September 1940, with analyses submitted to the Division in April 1938, indicates that there has been an increase of 2.7 per cent in moisture content for Mines Nos. 2 and 3, and of 3.8 per cent for Mines Nos. 4 and 5; and a decrease in B. t. u. content as received for Mine No. 2 of 431 B. t. u., for Mine No. 3 of 644 B. t. u., for Mine No. 4 of 527 B. t. u., and for Mine No. 5 of 309 B. t. u. It is claimed that the inability to market the Mallory coals in the steam market has increased the cost of production well in excess of 35 cents per ton in recent months. Though in the past, the Mallory coals appear to have moved primarily for by-product use, they also moved to some extent for steam use, and there is no reason to restrict that market. It seems that for general steam application, the Mallory Nos. 2, 3, 4, and 5 Mines in Size Groups 18 to 21, should be classified and priced upon a competitive basis with comparable coals of Logan Subdistrict, such as those of Clean Eagle Mine.

The Director is of the opinion that Clean Eagle Coal Company and Mallory Coal Company have made a reasonable showing of the necessity of temporary relief, pending final disposition of this proceeding; that there is the likelihood of actual injury in the event such relief is not granted, and that the granting of such relief will not unduly prejudice other interested persons.

Now, therefore, it is ordered, That temporary relief, pending final disposition of this proceeding, be and the same is hereby granted by temporarily amending the Schedule of Effective Minimum Prices for District No. 8 For All Shipments Except Truck, High Volatile Section, as follows:

Commencing forthwith, the effective minimum price classifications for Clean Eagle Coal Company's Clean Eagle Mine (Mine Index No. 109), in Size Groups 18 to 21, are reduced from "B" to "D" for destinations other than Great Lakes only; and

Commencing forthwith, the effective minimum price classifications for Mallory Coal Company's No. 2, No. 3, No. 4, and No. 5 Mines (Mine Index Nos. 312, 313, 314, and 315, respectively), in Size Groups 18 to 21, are reduced from "B" to "D" for destinations other than Great Lakes only.

Notice is hereby given that applications to stay, terminate or modify the

temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

All other questions of temporary relief in Docket No. A-579 (and in Dockets Nos. A-529, A-538, and A-594), including reduction of classifications for Great Lakes cargo only, which involve additional problems and considerations, are being given consideration and will be the subject of separate opinions to be issued at an early date.

Nothing contained herein shall be deemed to constitute a ruling or expression of the Director's views concerning the final disposition of these proceedings. Dated: April 4, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-2521; Filed, April 7, 1941;  
11:14 a. m.]

[Docket No. A-672]

PETITION OF DISTRICT BOARD 9, REQUESTING AN INCREASE OF TEN CENTS PER NET TON IN THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR WASHED COALS IN SIZE GROUPS 1-8, INCLUSIVE, PRODUCED BY ALL CODE MEMBERS IN DISTRICT NO. 9, EXCEPT THE SENTRY COAL MINING COMPANY, MINE INDEX NO. 72, FOR RAIL SHIPMENT INTO ALL MARKET AREAS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING ON TEMPORARY AND PERMANENT RELIEF

The above entitled matter having been assigned for public hearing on temporary and permanent relief before W. A. Shipman, the duly designated Trial Examiner, on April 2, 1941, at 10 o'clock a. m., at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.; and

Original petitioner having filed with the Division a motion that said hearing be postponed; and

The Director finding that a reasonable showing of necessity has been made for the granting of said motion;

It is ordered, That the hearing on temporary and permanent relief in the above entitled matter be and it hereby is postponed from April 2, 1941, at 10 o'clock a. m., until April 25, 1941, at 10 o'clock a. m., at the place and before the officers heretofore designated.

It is further ordered, That the time for filing petitions of intervention in the above entitled matter be and it hereby is extended until April 19, 1941.

Dated: April 4, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-2518; Filed, April 7, 1941;  
11:13 a. m.]

[Docket Nos. A-735, A-762, A-776]

PETITION OF DISTRICT BOARD 11, REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR DISTRICT 11 COALS PRODUCED FOR RAIL SHIPMENT TO FORT CUSTER, BATTLE CREEK, MICHIGAN, MARKET AREA NO. 21; AND FOR REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR COALS PRODUCED FOR RAIL SHIPMENT BY SUNLIGHT COAL COMPANY, SUNLIGHT NO. 11 MINE, MINE INDEX NO. 87, AND BY TECUMSEH COAL CORPORATION, TECUMSEH MINE, MINE INDEX NO. 105, BY PROVIDING FOR DEDUCTIONS FROM SAID PRICES BASED UPON DIFFERENCES IN FREIGHT RATES BETWEEN SAID MINES AND OTHER MINES IN DISTRICT NO. 11, ON SHIPMENTS TO MARTINSVILLE, INDIANA, MARKET AREA 32; AND FOR REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR COALS PRODUCED FOR RAIL SHIPMENT BY THE AYRSHIRE PATOKA COLLIERIES CORPORATION, PATOKA MINE, MINE INDEX NO. 41, BY PROVIDING FOR DEDUCTIONS FROM SAID PRICES BASED UPON DIFFERENCES IN FREIGHT RATES BETWEEN SAID MINE AND OTHER MINES IN DISTRICT NO. 11, ON SHIPMENTS TO PAOLI, INDIANA, MARKET AREA 32

NOTICE OF AND ORDER FOR POSTPONEMENTS OF HEARINGS IN DOCKETS NOS. A-735 AND A-762; NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-776; ORDER OF CONSOLIDATION; AND ORDER REDESIGNATING TRIAL EXAMINER

The above-entitled matters in Dockets Nos. A-735 and A-762 having been assigned for public hearings before Travis Williams and W. A. Shipman, respectively, on April 4, 1941, at 10 o'clock a. m., at hearing rooms of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.; and

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division in Docket No. A-776; and

It appearing that the above-entitled matters in Dockets Nos. A-735, A-762, and A-776 raise analogous issues, and the Director deeming it appropriate that said matters be heard together;

It is ordered, That the hearings in Dockets Nos. A-735 and A-762 be, and they hereby are, postponed from April 4, 1941, at 10 o'clock a. m., to April 25, 1941, at 10 o'clock a. m., at the place heretofore designated.

It is further ordered, That the time for filing petitions of intervention in Dockets Nos. A-735 and A-762 be, and it hereby is, extended until April 19, 1941.

It is further ordered, That a hearing on the prayers for temporary and permanent relief in Docket No. A-776 be held, under the applicable provisions of the Act and the rules and regulations of the Division, on April 25, 1941, at 10 o'clock a. m., in a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day, the Chief of the Records Section in Room



502 will advise as to the room in which such hearing will be held.

It is further ordered, That Dockets Nos. A-735, A-762, and A-776 be, and they hereby are, consolidated for the purpose of hearing.

It is further ordered, That Travis Williams, or any other officer or officers of the Division duly designated for that purpose, shall preside at the hearing in Dockets Nos. A-735, A-762, and A-776, vice W. A. Shipman, the Trial Examiner heretofore designated to preside at the hearing in Docket No. A-762. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of appropriate orders in the premises, and to perform all other duties in connection therewith authorized by law. *Provided, however,* That the prayers for temporary relief shall be reserved within the jurisdiction of the Director for any such action as may be deemed by him to be appropriate at any time during the course of the proceedings in the above-entitled matters.

Notice of such hearing is hereby given, in docket No. A-776, to all parties herein and to persons or entities having an interest in this proceeding and eligible to become parties herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before April 19, 1941.

The matter concerned herewith in docket No. A-776 is in regard to the petition of District Board 11 for revision of the effective minimum prices established for coals produced for rail shipment by the Ayrshire Patoka Collieries Corporation, Patoka Collieries Corporation, Patoka Mine, Mine Index No. 41, by providing for reductions from said prices based upon differences in freight rates between said mine and other mines in District No. 11, on shipments to Paoli, Indiana, Market Area 32.

All persons are hereby notified that the hearing in Docket No. A-776 and any orders therein may concern, in addition to the matters specifically alleged in the original petition, other matters necessarily incidental and related thereto, which may be raised by amendment of the original petition, petitions of interveners, or otherwise, or which may be

necessary corollaries to the relief, if any, granted on the basis of said original petition.

Dated: April 4, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-2520; Filed, April 7, 1941;  
11:14 a. m.]

[Docket No. A-744]

PETITION OF DISTRICT BOARD NO. 11 FOR TEMPORARY AND PERMANENT ORDERS PROVIDING FOR REVISION OF THE PRICES FOR RAILROAD LOCOMOTIVE FUEL PURCHASED BY CHICAGO GREAT WESTERN RAILWAY COMPANY FROM CODE MEMBER PRODUCERS IN DISTRICT NO. 11

#### NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on April 24, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before April 19, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 11 for temporary and permanent orders granting code member producers in District No. 11 on railroad locomotive fuel sold to Chicago Great Western Railway Company (1) a reduction of 12 cents per net ton on mine run coals, (2) an increase of 22 cents per net ton on screenings, and (3) the privilege of substituting coals included in Size Groups 8 to 29, inclusive, on sales of screenings.

Dated: April 4, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-2517; Filed, April 7, 1941;  
11:13 a. m.]

[Order No. 320]

AN ORDER AMENDING ORDER NO. 277, AS AMENDED, WITH RESPECT TO THE DESIGNATION OF THE EMPLOYEE MEMBER OF DISTRICT BOARD NO. 11

The United Mine Workers of America, pursuant to Order No. 277 of the National Bituminous Coal Commission, having selected Louis Austin for appointment as a member of District Board No. 11, vice Charles Funcannon, resigned;

It is ordered:

1. That paragraph 2 of said Order No. 277 be and the same is hereby amended by substituting, opposite the words "District 11—Indiana:" the name of Louis Austin, Indiana Theater Building, 7th and Ohio Streets, Terre Haute, Indiana, vice Charles Funcannon, Indiana Theater Building, 7th and Ohio Streets, Terre Haute, Indiana, resigned.

2. Except as modified by Order No. 279, by Order No. 281, by Order No. 289 and by this Order, Order No. 277 shall remain in full force and effect.

Dated: April 4, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-2522; Filed, April 7, 1941;  
11:14 a. m.]

#### Bureau of Reclamation.

SALT RIVER PROJECT, ARIZONA  
ADVERTISEMENT OF LANDS FOR LEASE

MARCH 28, 1941.

1. Sealed proposals<sup>1</sup> will be received at the Office of the Bureau of Reclamation,

<sup>1</sup> Proposal blanks filed as part of the original document.



Washington, D. C., until 2 o'clock P. M., April 18, 1941, for the lease for grazing purposes of all or any tract or tracts of the land shown on the accompanying list.

2. The lands will be leased for grazing purposes for a 12-month period, May 1, 1941 to April 30, 1942, the lessee having an option to renew the lease from year to year, but not beyond April 30, 1946, provided the United States does not, by written notice, 90 days prior to the expiration of any 12-month period, notify the lessee that the lease cannot be renewed.

3. The bidder shall state in the proposal (a) the legal description of the subdivisions or tracts which he proposes to lease, (b) the area in acres, and (c) the total annual rental price he proposes to pay. The bidder may make such stipulations as he may desire regarding combinations of tracts he is willing to accept.

4. Bids must be accompanied by a payment in full for the first 12-month period. Funds so remitted by unsuccessful bidders will be returned on making of award. Subsequent payments for the purpose of exercising the option renewals must be received in the Washington Office of the Bureau of Reclamation 30 days in advance of the termination of the lease and must be accompanied by a notice to the effect that the lessee desires to exercise such option. In case the necessary payment, accompanied by the notice of the lessee of his desire to exercise the option, is not made on or before the due date, as herein set forth, the lease and the right of occupancy of the lessee terminate at the expiration of the period for which rental has theretofore been paid, without further notice or action. All remittances should be in the form of certified check, bank draft, or money order, drawn in favor of the "Treasurer of the United States."

5. Those desiring to bid should first consult a copy of lease form 7-523-A-G, which lease must be promptly executed by successful bidders before possession of the land is given, and which describes various rights reserved by the United States and other details not herein enumerated, to which the lessee must agree. Copies of the lease form may be inspected at the bulletin board of the post office at Mesa, Arizona. A copy is also available at the office of the Salt River Valley Water Users' Association, Water Users' Building, Phoenix, Arizona.

6. Envelopes containing bids must be sealed, marked and addressed as follows:

Bid for lease of land, Salt River project, Arizona, to be opened at 2 p. m., Eastern Standard Time, April 18, 1941.

BUREAU OF RECLAMATION,  
Washington, D. C.  
H. W. BASHORE,  
Assistant Commissioner.

No. 68—3

# SALT RIVER PROJECT, ARIZONA

Description	Acres
T. 2 N., R. 6 E., G. & S. R. M.:	
Sec. 22: All South of Great Eastern Canal	30
Sec. 23: All South of Great Eastern Canal and South Canal	500
Sec. 24: All South of South Canal	630
T. 1 N., R. 3 E.:	
Sec. 13: NE $\frac{1}{4}$ SE $\frac{1}{4}$	40
T. 1 N., R. 4 E.:	
Sec. 17: N $\frac{1}{2}$	320
Sec. 18: N $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$	240
T. 1 N., R. 7 E.:	
Sec. 3: W $\frac{1}{2}$	320
Sec. 4: SE $\frac{1}{4}$	160
Sec. 8: E $\frac{1}{2}$ and SW $\frac{1}{4}$	480
Sec. 9: N $\frac{1}{2}$	320
Sec. 12: S $\frac{1}{2}$	320
Sec. 17: NW $\frac{1}{4}$	160
Sec. 18: NE $\frac{1}{4}$	160
T. 1 N., R. 8 E.:	
Sec. 1: All	640
Sec. 3: All	640
Sec. 4: All	640
Sec. 5: All	640
Sec. 6: All	640
Sec. 7: All	640
Sec. 8: All	640
Sec. 9: All	640
Sec. 10: All	640
Sec. 11: All	640
Sec. 12: All	640
Sec. 13: All	640
Sec. 14: All	640
Sec. 15: All	640
Sec. 17: All	640
Sec. 18: All	640
Sec. 23: All	640
Sec. 26: All	640
Sec. 35: N $\frac{1}{2}$ and SE $\frac{1}{4}$	480

[F. R. Doc. 41-2500; Filed, April 5, 1941; 9:59 a. m.]

## FIRST FORM RECLAMATION WITHDRAWAL, GOOSEBERRY PROJECT, UTAH

MARCH 6, 1941.

THE SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described lands be withdrawn from public entry, under the first form of withdrawal, as provided in section 3, Act of June 17, 1902 (32 Stat., 388):

### GOOSEBERRY PROJECT

#### SALT LAKE MERIDIAN, UTAH

Township 12 South, Range 5 East:	
Sec. 36, all;	
Township 13 South, Range 5 East:	
Sec. 1, W $\frac{1}{2}$ ;	
Sec. 12, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;	
Sec. 13, all;	
Sec. 14, all;	
Sec. 23, E $\frac{1}{2}$ E $\frac{1}{2}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;	
Sec. 24, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;	
Sec. 26, W $\frac{1}{2}$ SW $\frac{1}{4}$ ;	
Township 13 South, Range 6 East:	
Sec. 5, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ;	
Sec. 6, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;	
Sec. 7, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;	
Sec. 8, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;	
Sec. 9, E $\frac{1}{2}$ , NW $\frac{1}{4}$ ;	
Sec. 16, E $\frac{1}{2}$ ;	
Sec. 18, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;	
Sec. 19, W $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;	
Sec. 30, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;	
Sec. 31, all;	

Township 14 South, Range 6 East:

Sec. 4, all;  
Sec. 5, all;  
Sec. 6, all;  
Sec. 7, all;  
Sec. 8, all;  
Sec. 9, all.

Respectfully,

H. W. BASHORE,  
Acting Commissioner.

I concur: March 12, 1941.

FRED W. JOHNSON,  
Commissioner of the General Land Office.

April 1, 1941.

The foregoing recommendation is hereby approved and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

A. J. WIRTZ,  
Under Secretary.

[F. R. Doc. 41-2514; Filed, April 7, 1941; 10:07 a. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

#### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective April 7, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE.

Hopf Glass Apparatus Company, 192 Third Avenue, New York, New York; Delicate Glass Medical Instruments and Apparatus; 3 learners; 320 hours for any



one learner; 25 cents per hour; Glass Blower; June 30, 1941.

Signed at Washington, D. C., this 7th day of April 1941.

GUSTAV PECK,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 41-2527; Filed, April 7, 1941;  
11:28 a. m.]

**NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938**

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learners Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learners Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Determination and Order, November 8, 1939 (4 F.R. 4531) as amended, April 27, 1940 (5 F.R. 1586).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective April 7, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Alperin Strauss Company, East Tipton Street, Seymour, Indiana; Apparel; Dress Shirts; 110 learners (75% of the applicable hourly minimum wage); July 21, 1941.

Audrey Lee, Incorporated, 1720 Fairfield Avenue, Bridgeport, Connecticut; Apparel; Bandeaux, Brassieres; 5 learners (75% of the applicable hourly minimum wage); April 7, 1942.

Beltz Corporation, 1706 Washington Avenue, St. Louis, Missouri; Apparel; Sanitary Belts, Garters & Hose Supporters, Athletic Supporters; 2 learners (75% of the applicable hourly minimum wage); April 7, 1942.

Co-Ed Frocks, Inc., Hillsboro, Illinois; Apparel; Cotton dresses, Washable Service Apparel; 65 learners (75% of the applicable hourly minimum wage); June 16, 1941.

Cohen, Goldman & Company, Inc., 123 Market Street, Baltimore, Maryland; Apparel; Men's Sack Coats; 5 percent (75% of the applicable hourly minimum wage); April 7, 1942.

Elizabeth Shirt Company, 701 Spring Street, Elizabeth, New Jersey; Apparel; Boys' Shirts; 5 learners (75% of the applicable hourly minimum wage); April 7, 1942.

Elman, Ballotin & Shaffer, Inc., 1050 West Genesee Street, Syracuse, New York; Apparel; Trousers, Jackets; 10 percent (75% of the applicable hourly minimum wage); June 30, 1941.

Esskay Manufacturing Company, 1335 Buena Vista Street, San Antonio, Texas; Apparel; Boys' Wash Suits; 20 learners (75% of the applicable hourly minimum wage); August 4, 1941.

Fur Products Company, Butler, Indiana; Apparel; Woolen & Leather Jackets & Coats; 2 learners (75% of the applicable hourly minimum wage); April 7, 1942.

Greenville Pant Manufacturing Company, Stonewall Street, Greenville, Texas; Apparel; Pants; 120 learners (75% of the applicable hourly minimum wage); July 21, 1941.

Her Majesty Underwear Company, 314 North 13th Street, Philadelphia, Pennsylvania; Apparel; Women's, Misses' & Children's Slips; 20 learners (75% of the applicable hourly minimum wage); August 4, 1941.

Indiana Rayon Corporation, 230 East Osage Street, Greenfield, Indiana; Apparel; Men's & Boys' Sport Shirts, Rayon Athletic Underwear; 30 learners (75% of the applicable hourly minimum wage); August 4, 1941.

Jaross Sportswear, 1017 South Grand Street, Los Angeles, California; Apparel; Women's Slacks; 15 learners (75% of the applicable hourly minimum wage); July 21, 1941.

Laurino Brothers, 10 Thatcher Street, Boston, Massachusetts; Apparel; Pants; 5 learners (75% of the applicable hourly minimum wage); April 7, 1942.

Niagara Apparel Company, Inc., 273 South Division Street, Buffalo, New York; Apparel; Jackets, Pants, Children's Outerwear, Woolen Pants; 25 learners (75% of the applicable hourly minimum wage); August 4, 1941.

Ohio Pad Company, 512-516 Harding Way East, Galion, Ohio; Apparel; Shoulder Pads; 2 learners (75% of the

applicable hourly minimum wage); April 7, 1942.

Randolph Underwear Company, Inc., Randleman, North Carolina; Apparel; Ladies' Slips of Woven Fabrics; 24 learners (75% of the applicable hourly minimum wage); August 4, 1941.

Jules L. Simon, Inc., 600 West Kyger Street, Frankfort, Indiana; Apparel; Flannel Shirts, Boys' & Men's Jackets & Mackinaws; 5 percent (75% of the applicable hourly minimum wage); April 7, 1942.

Sledge Manufacturing Company, 402 North Broadway, Tyler, Texas; Apparel; Overalls, Work Pants & Work Shirts; 35 learners (75% of the applicable hourly minimum wage); July 21, 1941.

Southeastern Shirt Corporation, La-follette, Tennessee; Apparel; Shirts; 10 percent (75% of the applicable hourly minimum wage); June 30, 1941.

Jack Tobin, Third and Somerset Streets and Annex, Philadelphia, Pennsylvania; Apparel; Children's Dresses; 20 learners (75% of the applicable hourly minimum wage); August 4, 1941.

Troy Sportswear, Incorporated, 61 Hamilton Street, New Haven, Connecticut; Apparel; Shirts; 5 learners (75% of the applicable hourly minimum wage); April 7, 1942.

Stone Manufacturing Company, 154 River Street, Greenville, South Carolina; Apparel; Sun suits, Slips, Aprons, Sleepers & Pajamas; 19 learners (75% of the applicable hourly minimum wage); August 4, 1941.

Wales Shirt Company, 76 Franklin Street, New Haven, Connecticut; Apparel; Shirts; 8 learners (75% of the applicable hourly minimum wage); June 30, 1941.

Well-Styled Shirt Company, Inc., 424 Park Avenue, Perth Amboy, New Jersey; Apparel; Men's Shirts; 5 percent (75% of the applicable hourly minimum wage); April 7, 1942.

Woolrich Woolen Mills, Woolrich, Pennsylvania; Apparel; Men's & Boys' Pants, Sportswear & Shirts; 5 percent (75% of the applicable hourly minimum wage); April 7, 1942.

Royalknit Glove Corporation, 19 W. State Street, Johnstown, New York; Gloves; Knit Wool Gloves; 6 learners; July 21, 1941.

Acme Hosiery Dye Works, Inc., Pulaski, Virginia; Hosiery; Full Fashioned Hosiery; 10 learners; December 7, 1941.

Bertons Hosiery Mills, Granite Falls, N. C.; Hosiery; Seamless Hosiery; 3 learners; April 7, 1942.

Virginia Maid Hosiery Mills, Inc., Pulaski, Virginia; Hosiery; Full Fashioned Hosiery; 20 learners; December 7, 1941.

Wallner Silk Hosiery Mills, Inc., Pulaski, Virginia; Hosiery; Full Fashioned Hosiery; 15 learners; December 7, 1941.

Northern Indiana Telephone Company, 19 East Main Street, North Manchester, Indiana; Independent Branch of the Telephone Industry; to employ learners as indicated in the Telephone Order as



commercial and switchboard operators until April 7, 1942.

Lincoln Underwear Mills, Inc., Evans & Water Streets, Pottstown, Pennsylvania; Knitted Wear; Knitted Underwear; 13 learners; August 4, 1941.

J. & C. Cottons, Ellijay, Georgia; Textile; Cotton; 3 learners; April 7, 1942.

Signed at Washington, D. C., this 7th day of April 1941.

GUSTAV PECK,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 41-2528; Filed, April 7, 1941;  
11:28 a. m.]

## FEDERAL SECURITY AGENCY.

### Food and Drug Administration.

[Docket No. F. D. C.-21]

IN THE MATTER OF A DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE FOLLOWING FOODS: \* \* \* (N) ENRICHED FARINA \* \* \*

#### Correction

In § 15.140 (a) (3) appearing at page 1737 in the FEDERAL REGISTER for Tuesday, April 1, 1941, the figure 300 should read 500. In subparagraph (4) of the same section the figure 6 should read 8.

## SECURITIES AND EXCHANGE COMMISSION.

### FORM U-1 ADOPTED

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of March, A. D. 1941.

Acting pursuant to the authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 7, 9 (c) (3), 10, 12 (b), 12 (c), 12 (d), 12 (f) and 20 (a) thereof, and finding that such action is appropriate in the public interest and for the protection of investors and consumers and to carry out the provisions of said Act, the Securities and Exchange Commission hereby adopts Form U-1<sup>1</sup> designated "Adopted March 26, 1941," and rescinds, as of April 15, 1941, Form U-1 designated "Adopted February 2, 1940." Until April 15, 1941, any application or declaration may be filed either on Form U-1 "Adopted March 26, 1941" or on the superseded form.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-2494; Filed, April 4, 1941;  
2:43 p. m.]

<sup>1</sup> Filed as part of the original document.

IN THE MATTER OF HERBERT F. BRAITHWAITE, DOING BUSINESS AS H. F. BRAITHWAITE & COMPANY, 177 WEST 95TH STREET, NEW YORK, NEW YORK

### ORDER FOR PROCEEDINGS AND NOTICE OF HEARING ON THE QUESTION OF REVOCATION AND SUSPENSION OF REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3d day of April 1941.

#### I

The Commission's public official files disclose that Herbert F. Braithwaite, doing business as H. F. Braithwaite & Company, a sole proprietorship, is registered as an over-the-counter broker pursuant to section 15 (b) of the Securities Exchange Act of 1934.

#### II

Members of its staff have reported to the Commission information obtained as a result of an investigation of registrant which tends to show that said registrant is permanently enjoined by a decree of the Supreme Court in and for the City and County of New York, entered on February 26, 1941, from engaging in and continuing certain conduct and practices in connection with the purchase and sale of securities within and from the State of New York.

#### III

The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

- (a) Whether the statements set forth in Paragraph II hereof are true; and
- (b) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke the registration of the registrant; and
- (c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of the registrant.

#### IV

It is hereby ordered, That a hearing for the purpose of taking evidence on the questions set forth in Paragraph III hereof be held at 10:00 A. M. on April 28, 1941, at the New York Regional Office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and thereafter at such times and places as the officer hereinafter designated to conduct said hearing may determine, and Adrian C. Humphreys is hereby designated as the officer of the Commission

to conduct said hearing and, pursuant to section 21 (b) of the Securities Exchange Act of 1934, is hereby authorized to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the matters in issue at said hearing and to perform all other duties in connection therewith as authorized by law.

It is further ordered, That this order and notice be served on said registrant personally or by registered mail not less than seven (7) days prior to the time of hearing.

Upon the completion of the taking of evidence in this matter, the officer conducting the hearing is directed to conclude said hearing, make his report to the Commission and transmit same with a record of the hearing to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-2530; Filed, April 7, 1941;  
11:42 a. m.]

[File No. 70-211]

IN THE MATTER OF EAST TENNESSEE LIGHT & POWER COMPANY; AND CITIES SERVICE POWER & LIGHT COMPANY

### FINDINGS, OPINION AND ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3rd day of April A. D. 1941.

#### Security Issues by Subsidiary of a Registered Holding Company Exempted Under Section 6 (b)

The issue and sale of securities by a subsidiary of a registered holding company organized under the laws of one state and operating in that state and two adjoining states, Held exempted pursuant to the provisions of section 6 (b) where such issue and sale have been approved by the Utilities Commissions of the three states in which such company operates and the proceeds are to be used for the purpose of financing the business of such utility.

#### Acquisition of Securities of a Subsidiary of a Registered Holding Company

Where a registered holding company owns bonds of a subsidiary, which bonds are redeemed partly in cash and partly in common stock of such subsidiary: Held, that no adverse findings are necessary under section 10 (b) and section



10 (c) (1) and that the transaction involved has the tendency required by section 10 (c) (2).

*Exchange of Securities Between a Registered Holding Company and Subsidiary Thereof*

Where a registered holding company receives cash and common stock in exchange for bonds of a subsidiary company which it holds: *Held*, that the transactions are approved under sections 12 (c), 12 (d) and 12 (f) and Rules U-12C-1, U-12D-1 and U-12F-1.

Appearances: Frueauff Burns & Ruch by Robert Burns, Esq., for East Tennessee Light & Power Company and Cities Service Power & Light Company. Frank Field, Esq., for the Public Utilities Division of the Commission.

On December 9, 1940, East Tennessee Light & Power Company<sup>1</sup> filed an application for exemption pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 regarding the issuance of \$5,000,000 principal amount of First Mortgage 3½% Bonds, due 1966 and \$1,000,000 principal amount 3½% Sinking Fund Debentures, both of which issues were to be sold to John Hancock Mutual Life Insurance Company, at par. The proceeds from the sale of these securities were to be used to retire seven issues of bonds and notes outstanding, aggregating \$5,935,500 principal amount, interest rates on which range from 5% to 6%. Cities Service Power & Light owns \$2,705,000<sup>2</sup> principal amount of the bonds to be retired, and the application provided that this company should receive cash in the amount of approximately \$2,500,000, representing the carrying value of these bonds to Cities Service Power & Light.

On December 30, 1940, the issues presented by such application and the record thereon, which had been stipulated by counsel, were argued before the Commission.

On March 22, 1941, East Tennessee filed an amendment to such application proposing to issue and sell to John Hancock Mutual Life Insurance Company, \$4,800,000 of 3½% First Mortgage Bonds, Series A, Due January 1, 1966 at 102½ of their principal amount plus accrued interest to the date of purchase and proposing to issue 22,140 shares of common stock of a stated value of \$1,107,000 to Cities Service Power & Light Company which, together with \$1,481,000 of the proceeds from the sale of the Bonds, will be delivered to the latter company in satisfaction of the \$2,705,000 principal amount of East Tennessee's Bonds which it now owns. The balance of the proceeds from the sale of the Bonds will be

used in retiring \$3,230,500 principal amount of Bonds and a secured note now held by the public.

East Tennessee has also filed the required declaration pursuant to section 12 (c) and Rule U-12C-1 and Cities Service Power & Light Company also has filed therewith an application pursuant to section 10 and declaration pursuant to sections 12 (d) and 12 (f) and Rules U-12D-1 and U-12F-1.

Capitalization	Actual	Pro forma	Increase (Decrease)
<b>Funded Debt:</b>			
1st Mtg. and Refunding Bonds:			
5½% Series, due 1954	\$1,050,000		(\$1,950,000)
3½% Series, due 1943 (\$481,000 authenticated bonds pledged under 3½% Secured Notes, due 1942)			
8% Series, due 1942	271,000		(271,000)
3½% Secured Notes, due 1942 (including \$40,000 due within one year)	441,000		(441,000)
Watauga Power Co.:			
1st Mtg. 6% S. F. Gold Bonds, due 1952 (excluding \$154,000 in sinking fund)	146,000		(146,000)
Tennessee Eastern Electric Co.:			
1st Mtg. 5% Gold Bonds, due 1943	1,952,500		(1,952,500)
Ref. Mtg. Bonds, Ser. A 6%, due 1955	691,000		(691,000)
Ref. Mtg. Bonds, Ser. B 5%, due 1938	484,000		(484,000)
1st Mtg. Bonds, Series A, 3½%, due 1966		\$4,800,000	4,800,000
<b>Total Funded Debt</b>	<b>5,935,500</b>	<b>4,800,000</b>	<b>(1,135,500)</b>
<b>Preferred Stock:</b>			
\$6 cum. no par voting preferred, 17,745 shares	1,624,849	1,624,849	
<b>Common Stock:</b>			
No par, 44,542 shares actual, 66,682 shares pro forma	2,227,000	3,334,000	1,107,000
<b>Surplus and Reserves:</b>			
Earned Surplus	223,332	219,811	(3,521)
Reserves:			
Injuries and damages	2,500	2,500	
Operating and other	25,370	25,370	
<b>Total Surplus and Reserves</b>	<b>251,192</b>	<b>247,681</b>	<b>(3,521)</b>
<b>Total Capitalization</b>	<b>10,038,551</b>	<b>10,006,530</b>	<b>(32,021)</b>

As of October 31, 1940, the company's property accounts and reserves were as follows:

<b>Property Account:</b>		
Utility and other property	\$9,952,063	
Property held for future use (less reserve of \$316,112)	469,890	\$10,421,953
<b>Less:</b>		
Depreciation reserve	874,794	
Property adjustment reserve	138,184	
Contributions for extensions	19,988	1,032,966
<b>Net property</b>		<b>9,388,987</b>

East Tennessee proposes to pay a fee of \$36,000 to White, Weld & Company in connection with the sale of the Bonds to the Insurance Company. No evidence has been taken concerning the services performed or the reasonableness of such fees and the Company has agreed that jurisdiction should be reserved with respect thereto.

On the basis of the foregoing facts and the record herein the Commission deems it appropriate in the public interest and in the interest of investors and consumers to permit the declarations, as amended, pursuant to Rules U-12C-1, U-12D-1 and U-12F-1 to become effective; and to grant the application, as amended, pursuant to section 6 (b); and

East Tennessee is organized under the laws of the Commonwealth of Virginia and operates in the states of Tennessee, Virginia and North Carolina. The Utilities Commission of each of such states has approved the issue and sale of the Bonds and common stock.

The capitalization and surplus of East Tennessee, as of October 31, 1940 and pro forma are shown in the following table:

with respect to said application, as amended, pursuant to section 10 the Commission finds that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act and that the transaction involved has the tendency required by section 10 (c) (2) of said Act;

*It is therefore ordered*, Pursuant to the applicable provisions of the Act, that the aforesaid declarations, as amended, be, and the same hereby are, permitted to become effective, and the aforesaid applications, as amended, be, and the same hereby are, granted forthwith, subject, however, to the terms and conditions prescribed in Rule U-9 and subject to the further condition that no fee be paid White, Weld & Company until further order of the Commission.

By the Commission, (Chairman Frank and Commissioners Healy, Eicher, Henderson and Pike).

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-2531; Filed, April 7, 1941; 11:42 a. m.]

[File No. 70-280]

IN THE MATTER OF OGDEN CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its

<sup>1</sup> East Tennessee is a subsidiary of Cities Service Power & Light Company, a registered holding company.

<sup>2</sup> Cities Service Power & Light Company also owns all the outstanding common stock and 8,380 shares out of 17,745 shares of 6% preferred stock outstanding.



office in the City of Washington, D. C., on the 4th day of April, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than April 16, 1941 at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Ogden Corporation, a registered holding company, proposes to advance \$66,000 on open account to its non-utility subsidiary, Mt. Olive & Staunton Coal Company, to be used for the purchase of new production machinery and for the acquisition of 400 acres of additional coal rights adjoining the present facilities of the coal company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-2533; Filed, April 7, 1941;  
11:42 a. m.]

[File No. 70-281]

IN THE MATTER OF OGDEN CORPORATION  
NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of April, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than April 16, 1941 at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or applica-

tion, as filed or as amended, may become effective or may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below.

Ogden Corporation, a registered holding company, proposes to advance \$6,500 on open account without interest to its subsidiary Central States Utilities Corporation, also a registered holding company. Central States Utilities Corporation states that it proposes to use a portion of the funds so received to pay past due bills on hand and the balance thereof to pay operating expenses for the period ending December 31, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-2532; Filed, April 7, 1941;  
11:42 a. m.]

[File No. 812-125-A4]

IN THE MATTER OF THE LEHMAN CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of April, A. D. 1941.

The Lehman Corporation, a registered closed-end management investment company having duly filed an application pursuant to the provisions of section 23 (c) (3) of the Investment Company Act of 1940 for an order permitting it to purchase during the next ninety days a maximum of 15,000 shares of its own capital stock from persons not affiliated with its management or affiliated persons of such persons at prices not in excess of  $\frac{1}{4}$  point above the last sale on the New York Stock Exchange preceding any such purchase, without payment of any commissions by The Lehman Corporation in connection with such purchase;

It is ordered, That a hearing on such matter under the applicable provisions of the Act and the rules of the Commission thereunder be held on April 11, 1941 at 9:45 o'clock in the forenoon of that day in the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-2534; Filed, April 7, 1941;  
11:43 a. m.]

[File No. 814-16]

IN THE MATTER OF AMERICAN TRUSTEED FUNDS, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of April, A. D. 1941.

An application having been filed by the above named applicant under and pursuant to the provisions of section 9 (b) of the Investment Company Act of 1940 for an order exempting it from the provisions of section 9 (a) of said Act; and

The Commission having granted to such applicant a temporary exemption from the provisions of section 9 (a) pending the disposition of the application for permanent or further exemption from the provisions of such Section;

It is ordered, That a hearing on the matter of the permanent or further exemption of the above named applicant from the provisions of section 9 (a) of the Investment Company Act of 1940 be held on April 14, 1941, at 1:30 o'clock in the afternoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held;

It is further ordered, That Willis E. Monty, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under Sections 41 and 42 of the Investment Company Act of 1940, and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and any other person or persons concerned or to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-2535; Filed, April 7, 1941;  
11:43 a. m.]



[File No. 814-17]

## IN THE MATTER OF LEXINGTON FOUNDATION, INC.

## NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of April, A. D. 1941.

An application having been filed by the above named applicant under and pursuant to the provisions of section 9 (b) of the Investment Company Act of 1940 for an order exempting it from the provisions of section 9 (a) of said Act; and

The Commission having granted to such applicant a temporary exemption from the provisions of section 9 (a) pending the disposition of the application for permanent or further exemption from the provisions of such Section;

It is ordered, That a hearing on the matter of the permanent or further exemption of the above named applicant from the provisions of section 9 (a) of the Investment Company Act of 1940 be held on April 14, 1941, at 1:30 o'clock in the afternoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held;

It is further ordered, That Willis E. Monty, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 of the Investment Company Act of 1940, and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and any other person or persons concerned or to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-2536; Filed, April 7, 1941;  
11:43 a. m.]

[File No. 70-277]

## IN THE MATTER OF GENERAL PUBLIC UTILITIES, INC. AND SOUTHWESTERN PUBLIC SERVICE COMPANY

## NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of April, A. D. 1941.

Declarations and applications, and an amendment thereto, pursuant to the

Public Utility Holding Company Act of 1935 having been duly filed with the Commission by the above-named parties; and

Such declarations and applications, as amended, concerning the following: Southwestern Public Service Company, a subsidiary of General Public Utilities, Inc., a registered holding company, and an indirect subsidiary of Community Power and Light Company, also a registered holding company, proposes (1) to issue and sell \$3,421,000 principal amount of its Series A, 3¾% First Mortgage Sinking Fund Bonds, due 1966, to The Equitable Life Assurance Society of the United States at 105½% of the principal amount thereof, plus accrued interest, the proceeds thereof to be used to redeem its presently outstanding First Mortgage 6% Bonds, now held by the public, in the principal amount of \$3,421,900, plus the accrued interest and premium thereon, and to pay the expenses to be incurred in connection with the foregoing; (2) to issue \$1,331,000 principal amount of its Series B, 4% First Mortgage Sinking Fund Bonds, due 1971, to General Public Utilities, Inc., in exchange for a like principal amount of its presently outstanding First Mortgage 6% Bonds now owned by General Public Utilities, Inc. and pledged under its First Lien and Collateral Trust Indenture, the new Series B Bonds to be similarly pledged; (3) to issue \$1,162,000 principal amount of its 5% unsecured notes, due 1972, to General Public Utilities, Inc. in exchange for \$870,000 principal amount of its presently outstanding 7% unsecured notes and \$292,000 principal amount of its presently outstanding 6% demand notes, now owned by General Public Utilities, Inc. and pledged under its First Lien and Collateral Trust Indenture, the new unsecured notes to be similarly pledged; and (4) to sell to Washington Gas and Electric Company, a registered holding company, upon completion of the foregoing refunding program, all of the outstanding securities of its four subsidiaries operating in the State of Arizona, namely, Arizona Electric Power Company, Flagstaff Electric Light Company, Holbrook Light & Power Company, and Southwestern Ice Company, for \$939,000 cash, \$600,000 of such proceeds to be used to redeem, at par, \$600,000 principal amount of the new Series B Bonds to be issued to General Public Utilities, Inc. as aforesaid, the balance, amounting to \$250,000 (after payment of certain expenses and after provision for payment of estimated Federal income taxes), to be deposited with the Trustee under the Indenture securing the new Series A and Series B Bonds and to be withdrawn by Southwestern Public Service Company against additions to its property; and

It appearing to the Commission that it is appropriate and in the public interest

and the interests of investors and consumers that a hearing be held with respect to said declarations and applications, as amended, and that said declarations, as amended, shall not become effective or said applications, as amended, be granted except pursuant to the further order of this Commission;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the Rules of the Commission thereunder be held on April 11, 1941, at ten o'clock in the forenoon of that day, at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why said declarations, as amended, shall become effective;

It is further ordered, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

Notice of such hearing is hereby given to such declarants or applicants and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 8, 1941;

It is further ordered, That without limiting the scope of issues presented by said declarations and applications, as amended, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether, and the extent to which, the property accounts and investments of Southwestern Public Service Company and the property accounts of its subsidiaries reflect intangibles, write-ups, other inflationary and "debatable items", and property not "used and useful" in the performance of utility service; the appropriateness of the continued retention of such items in property and investment accounts;

(2) The proposed method of calculating depreciation charges; adequacy of the annual provision for maintenance and depreciation; the sufficiency of existing depreciation reserves;

(3) The relationship of new securities to net underlying assets and their adaptability to earning capacity, due consideration being given to estimated future earnings;

(4) Whether the provisions of the proposed Indenture adequately protect the public holders of securities;



(5) The relationship of the proposed refunding program to the integration and simplification provisions of the Act;

(6) Reasonableness of price at which it is proposed to sell such securities;

(7) Reasonableness of legal accounting and other expenses;

(8) Whether financing by the issue and sale of such securities is necessary or appropriate to the economical and efficient operations of declarants' business;

(9) Whether the acquisition by General Public Utilities, Inc. of the notes and bonds of Southwestern Public Service Company satisfies the applicable provisions of section 10 of the Act, 10 (b) (2), 10 (b) (3), 10 (c) (1) and 10 (c) (2); and

(10) Generally, whether the issue and sale and other related transactions are detrimental to the public interest or the interest of investors or consumers or will tend to circumvent the provisions of the Act or any rules, regulations or orders of the Commission thereunder; the extent of any terms and conditions that may be appropriate to assure adequate protection of such interest and compliance with the applicable provisions of the Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-2537; Filed, April 7, 1941;  
11:44 a. m.]

[File No. 70-291]

# IN THE MATTER OF AMERICAN UTILITIES SERVICE CORPORATION

## NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of April, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than April 17, 1941 at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

American Utilities Service Corporation, a registered holding company, proposes to acquire \$250,000 principal amount of its Collateral Trust 6% Bonds, Series A, out of proceeds obtained from the sale of the properties and liquidation of Vicksburg Gas Corporation and sale of securities held in Jefferson County Telephone Company, subsidiaries of American Utilities Service Corporation.

It is stated that Vicksburg Gas Corporation has entered into an agreement with the City of Vicksburg, Mississippi, for the sale of its gas distribution system to the City; and, it is estimated that after payment of current obligations and the expenses of such sale, Vicksburg Gas Corporation will pay \$225,000 to American Utilities Service Corporation by way of liquidation.

It is further stated that American Utilities Service Corporation has entered into an agreement with Central Electric & Telephone Company for the sale to that company of the securities of Jefferson County Telephone Company owned by American Utilities Service Corporation for \$190,000 and accrued interest.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-2538; Filed, April 7, 1941;  
11:44 a. m.]

# UNITED STATES CIVIL SERVICE COMMISSION.

## CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS MONDAY, MARCH 31, 1941 BASED ON 1940 CENSUS

**Important.** Although the apportioned classified Civil Service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from states which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
<b>IN ARREARS</b>		
1. Virgin Islands.....	11	0
2. Puerto Rico.....	859	46
3. Hawaii.....	194	20
4. Alaska.....	33	11
5. California.....	3,173	1,075
6. Texas.....	2,946	1,351
7. Louisiana.....	1,086	631
8. Michigan.....	2,414	1,265
9. Arizona.....	229	127
10. South Carolina.....	873	510
11. Kentucky.....	1,307	829
12. Mississippi.....	1,003	639
13. New Mexico.....	244	155
14. Georgia.....	1,435	924
15. Alabama.....	1,301	862
16. Arkansas.....	895	605
17. North Carolina.....	1,641	1,110
18. Ohio.....	3,173	2,205
19. Nevada.....	51	36
20. New Jersey.....	1,911	1,410
21. Tennessee.....	1,339	1,073
22. Florida.....	872	710
23. Oklahoma.....	1,073	946
24. Illinois.....	3,627	3,252
25. Indiana.....	1,574	1,424
26. Idaho.....	241	226
27. Wisconsin.....	1,441	1,362
28. Delaware.....	122	119
29. New York.....	6,191	6,075
30. West Virginia.....	874	862
31. Washington.....	797	787
<b>QUOTA FILLED</b>		
32. Oregon.....	500	500
<b>IN EXCESS</b>		
33. Minnesota.....	1,283	1,288
34. Missouri.....	1,738	1,745
35. Colorado.....	516	524
36. Vermont.....	165	171
37. Pennsylvania.....	4,547	4,715
38. Connecticut.....	785	816
39. New Hampshire.....	226	239
40. Maine.....	389	415
41. Iowa.....	1,166	1,251
42. Massachusetts.....	1,983	2,152
43. Wyoming.....	115	129
44. Rhode Island.....	328	375
45. Utah.....	253	293
46. South Dakota.....	295	358
47. Montana.....	257	332
48. Kansas.....	827	1,134
49. Nebraska.....	604	840
50. North Dakota.....	295	423
51. Virginia.....	1,230	2,118
52. Maryland.....	837	2,245
53. District of Columbia.....	305	8,965
<b>GAINS</b>		
By appointment.....		357
By transfer.....		48
By reinstatement.....		4
By correction.....		1
Total.....		410
<b>LOSSES</b>		
By separation.....		26
By transfer.....		48
By correction.....		2
Total.....		76
Total appointments.....		61,576

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 18,079.

By direction of the Commission.

[SEAL] L. A. MOYER,  
Executive Director  
and Chief Examiner.

[F. R. Doc. 41-2506; Filed, April 7, 1941;  
9:48 a. m.]



